

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/CS/HB 1557 Sexual Exploitation and Human Trafficking

SPONSOR(S): Health & Human Services Committee and Health Care Appropriations Subcommittee and Children, Families & Seniors Subcommittee, Salzman

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/CS/SB 1690

FINAL HOUSE FLOOR ACTION: 119 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/CS/HB 1557 passed the House on May 2, 2023 as CS/CS/CS/SB 1690.

Human trafficking is a form of modern-day slavery whereby children and adults are subjected to force, fraud, or coercion for sexual exploitation or forced labor. Sex trafficking operations often use public lodging establishments, without the establishment operator's knowledge. In one study, 75 percent of human trafficking survivors reported coming into contact with hotels at some point while being trafficked. Under current law, public lodging establishments must provide trafficking awareness training to certain employees and place human trafficking awareness signage in certain locations.

When children cannot safely remain at home with parents, Florida's child welfare system finds safe out-of-home placements for them. In addition to traditional foster homes and group homes, the Department of Children and Families (DCF) licenses residential group care placements as safe houses for commercially sexually exploited children, and certifies safe foster homes for such children. Safe houses and safe foster homes must provide a safe, separate, and therapeutic environment tailored to the needs of commercially sexually exploited children.

Presently, 13 private safe houses serve adult survivors of human trafficking in Florida. No state agency regulates or monitors adult safe houses.

The bill requires:

- Child welfare safe houses and safe foster homes to have a trained individual on staff or under contract to provide security services, and to provide age-appropriate human trafficking awareness education to their residents.
- DCF to develop human trafficking public awareness signs, and requires certain child welfare residential facilities to post them.
- A committee of the Statewide Council on Human Trafficking to conduct a study of adult safe houses, and, after the completion of the study, DCF to adopt rules to certify adult safe houses.

The bill also reduces the time from 90 to 45 days that a public lodging establishment has to correct a first violation of requirements for human trafficking-related signage and employee training, and requires the Department of Business and Professional Regulation to impose a penalty without a correction period for subsequent violations.

The bill appropriates \$75,000 in recurring funds and \$388,000 in nonrecurring funds to DCF for technology modifications necessary to implement the bill. The bill has no fiscal impact on local government

The bill was approved by the Governor on May 16, 2023, ch. 2023-85, L.O.F., and will become effective on July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Human Trafficking

Human trafficking is a form of modern-day slavery whereby children and adults are subjected to force, fraud, or coercion for sexual exploitation or forced labor.¹ In 2004, the Florida Legislature criminalized human trafficking and unlawfully obtaining labor or services.² Florida statutes define “human trafficking” as the “transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining of another person for the purpose of exploitation of that person.”³ Under current law, any person who knowingly engages in human trafficking commits a first-degree or life felony, depending on the nature of the offense.⁴ Human trafficking is typically classified as either forced labor or commercial sexual exploitation.

Forced Labor

Forced labor occurs when an individual knowingly provides or obtains the labor or services of a person by means of:

- Force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- Serious harm or threats of serious harm to that person or another person;
- Abuse or threatened abuse of law or legal process; or
- Any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.⁵

Forced labor can exist in domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.⁶

Commercial Sexual Exploitation

Commercial sexual exploitation is a form of human trafficking where the trafficker involves the victim in commercial sex acts such as prostitution and pornography as a means for the perpetrator to make money.⁷ Both adults and children can be victims of these acts.⁸ The U.S. Department of Justice estimates that as many as 300,000 children in the United States are at risk for commercial sexual exploitation.⁹

In cases of commercial sex trafficking of minors, traffickers or pimps often operate as the primary domestic sex traffickers and target particularly vulnerable youth, such as runaway and homeless

¹ US. Department of Health & Human Services, Office of Trafficking in Persons, *Fact Sheet: Human Trafficking*, <https://www.acf.hhs.gov/otip/fact-sheet/resource/fshumantrafficking> (last visited April 24, 2023).

² S. 787.06, F.S.

³ *Id.*

⁴ *Id.*

⁵ 18 U.S.C. s. 1589.

⁶ S. 787.06, F.S.

⁷ The federal Trafficking Victims Protection Act defines “commercial sex act” as any sex act on account of which anything of value is given to or received by any person. 22 U.S.C. s. 7102(4).

⁸ S. 787.06, F.S.

⁹ U.S. Department of Justice, Office of Justice Programs, *OJP Fact Sheet, Fast Facts*, (Dec. 2011), http://ojp.gov/newsroom/factsheets/ojps_humantrafficking.html (last visited March 16, 2023).

youth.¹⁰ Pimps may engage in a “grooming” process where a child is showered with gifts, treats, and compliments in order to earn trust; traffickers can also use violence and intimidation.¹¹ Often the children have low self-esteem and may live in high-crime environments or in poverty, or have past childhood trauma which may include sexual or physical abuse.¹² Traffickers may take on a role of protector to maintain control of the child, create confusion, and develop a connection or attachment, which may include the child feeling a sense of loyalty to or love for the trafficker. This connection, or traumatic bond, becomes especially intense when fear of the trafficker is paired with gratitude for any kindness shown. Psychologists and clinicians call this phenomenon “trauma bonding.”¹³ Although definitions vary, the most common meaning of trauma bonding is when a trafficker uses rewards and punishments within cycles of abuse to foster a powerful emotional connection with the victim.¹⁴ While this is a common way that commercial sexual exploitation occurs, some children are commercially sexually exploited by family members or organized networks.¹⁵

Child Sexual Exploitation in Florida

It is difficult to obtain an accurate count of commercial sexual exploitation (CSE) victims who are children because these victims are not readily identifiable.¹⁶ CSE victims 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.¹⁷

Section 39.01(77)(g), F.S., provides the definition for sexual abuse of a child, which includes sexual exploitation of a child, defined as the act of a child offering to engage in or engaging in prostitution, or the act of allowing, encouraging, or forcing a child to solicit for or engage in prostitution; engage in a sexual performance, as defined by chapter 827; or participate in the trade of human trafficking as provided in s. 787.06(3)(g), F.S. For calendar year 2021, DCF verified 377 child victims of commercial sexual exploitation from 3,182 reports alleging commercial sexual exploitation made to the hotline.¹⁸ Of the reports that were referred for investigation, most came from the Department of Juvenile Justice (DJJ), the Department of Corrections, or criminal justice personnel and law enforcement.¹⁹ Of the 377 verified commercially sexually exploited children, 25% were in out-of-home care, including the care of relatives or in foster homes, residential group care, or residential treatment centers.²⁰

Foster Care and Human Trafficking

A substantial minority of children in foster care abscond from their placement at least once. A study using data on children in Florida’s child welfare system from 2011-2017 indicated that 19% of children ran away at least once. A study of several midwestern states reported that nearly half of youth who had been in foster care reported running away. Another study of girls in foster care (with a small sample size of 44) found that 44% cited running away as their pathway to commercial sexual exploitation,

¹⁰ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Commercial Sexual Exploitation of Children and Sex Trafficking*, available at <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/commercial-sexual-exploitation-of-children-and-sex-trafficking.pdf> (last visited Mar. 16, 2023).

¹¹ *Id.*

¹² *Id.*

¹³ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Trauma Bonding in Human Trafficking*, June 2020, https://www.state.gov/wp-content/uploads/2020/10/TIP_Factsheet-Trauma-Bonding-in-Human-Trafficking-508.pdf (last visited April 10, 2023).

¹⁴ *Id.*

¹⁵ Polaris, *Child Sex Trafficking*, <https://polarisproject.org/child-sex-trafficking/> (last visited April 10, 2023).

¹⁶ 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*, (Jul. 2016), available at <https://oppaga.fl.gov/Products/ReportDetail?rn=16-04> (last visited March 16, 2023).

¹⁷ *Supra* note 10.

¹⁸ OPPAGA, *Annual Report on the Commercial Sexual Exploitation of Children in Florida*, 2022, Report 22-05, July 2022, pp. i and 2.

¹⁹ *Id.*

²⁰ *Id.*, p. 4.

compared to other reasons such as recruitment by another child in foster care (26%), and recruitment by a noncustodial parent (19%).²¹

A brief from the U.S. Department of Health and Human Services' Office of Planning, Research, and Evaluation emphasizes this connection:

Several factors may increase vulnerability to trafficking victimization among youth who run from foster care. Many researchers have theorized that youth absent from foster care are even more vulnerable to human trafficking than other runaways because they may not only lack resources for basic needs but may also have fewer social resources or family relationships to which they can turn. . . Anecdotal reports from service providers indicate that pimps and others who facilitate trafficking of youth specifically target youth in foster care by offering housing, money, drugs, and alcohol. However, this link has not yet been established in data from law enforcement or child welfare agencies.²²

Florida's Child Welfare System

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's dependency system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. DCF and the 19 contracted community-based care lead agencies (CBCs) throughout Florida²³ work with those families to address the problems endangering children, if possible. If the problems are not addressed, the child welfare system finds safe out-of-home placements for these children.

DCF's practice model is based on the safety of the child within the home by using in-home services, such as parenting coaching and counseling, to maintain and strengthen that child's natural supports in the child's environment.

DCF contracts with CBCs for case management, out-of-home services, and related services. The outsourced provision of child welfare services is intended to increase local community ownership of service delivery and design. CBCs contract with a number of subcontractors for case management and direct care services to children and their families. DCF remains responsible for a variety of child welfare functions, including operating the central abuse hotline, performing child protective investigations, and providing children's legal services.²⁴ Ultimately, DCF is responsible for program oversight and the overall performance of the child welfare system.²⁵

Residential Care for Child Welfare Children

When children cannot safely remain at home with parents, Florida's child welfare system finds safe out-of-home placements for children. As of January 31, 2023, 20,900 children were in out-of-home care.²⁶ When DCF or CBC's are determining where to place a child, they must consider out-of-home placement options in the following order:

- Nonoffending parent.
- Relative caregiver.

²¹ Latzman, N. E., & Gibbs, D. (2020). *Examining the link: Foster care runaway episodes and human trafficking*. OPRE Report No. 2020-143. Washington, DC: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services, https://www.acf.hhs.gov/sites/default/files/documents/opre/foster_care_runaway_human_trafficking_october_2020_508.pdf (last visited April 10, 2023).

²² *Id.*

²³ These 19 CBCs together serve the state's 20 judicial circuits.

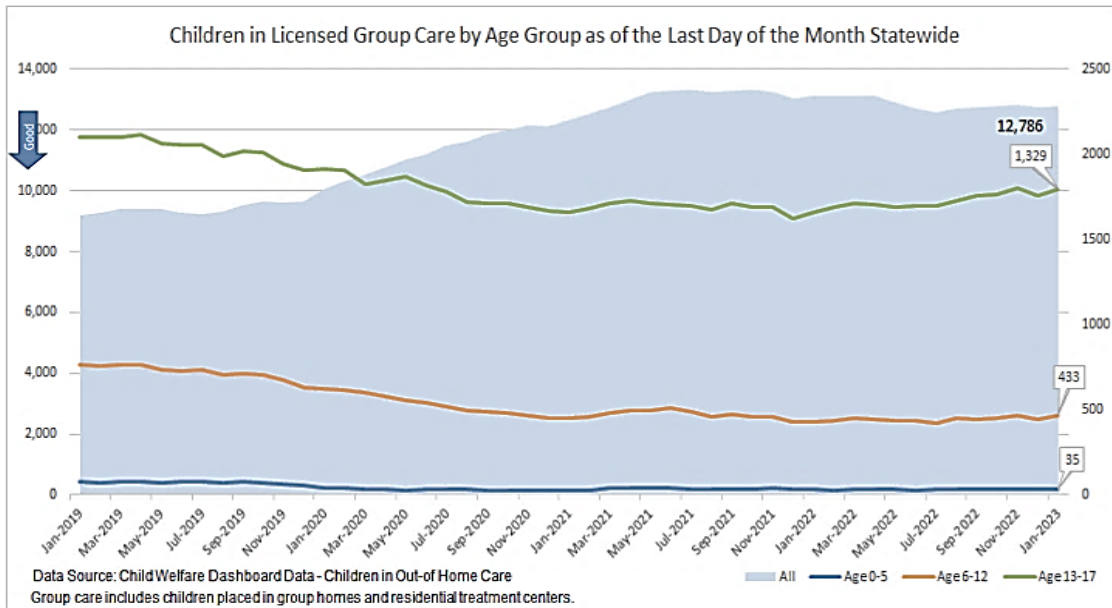
²⁴ Ch. 39, F.S.

²⁵ *Id.*

²⁶ Department of Children and Families, Office of Child and Family Well-Being Dashboard, *Children in Out-of-Home Care Monthly Trend* <https://www2.myflfamilies.com/service-programs/child-welfare/dashboard/index2.shtml> (last visited April 10, 2023).

- Adoptive parent of the child’s sibling, when DCF or the CBC is aware of such sibling.
- Fictive kin with a close existing relationship to the child.
- Nonrelative caregiver that does not have an existing relationship with the child.
- Licensed foster care.
- Group or congregate care.²⁷

DCF licenses residential group care placements as residential child-caring agencies²⁸ that provide staffed 24-hour care for children in facilities maintained for that purpose.²⁹ These include, but are not limited to, maternity homes, runaway shelters, group homes, emergency shelters,³⁰ and at-risk houses. As of January 2023, 1,797 children were in a residential group care placement, as depicted below (the blue shading indicates the total number of children in licensed care, including licensed foster homes).³¹



At-Risk Houses

At-Risk Houses are group care homes that are certified to serve children considered to be at-risk for sex trafficking. Children are deemed to be “at risk of sex trafficking” if they have experienced trauma, such as abuse, neglect, and/or maltreatment, and present one or more of the accompanying risk factors: history of running away and/or homelessness; history of sexual abuse and/or sexually acting out behavior; inappropriate interpersonal and/or social media boundaries; family history of or exposure to human trafficking; or out-of-home placement instability demonstrated by repeated moves from less restrictive levels of care. There are currently 157 At-Risk Houses licensed by DCF to provide services to youth who are at risk of sex trafficking.³²

Safe Homes and Houses for Children

Section 409.1678, F.S., authorizes DCF to certify safe foster homes and safe houses for children; these homes must be certified by the department to have those titles.³³ Safe houses and safe foster

²⁷ S. 39.4021(2), F.S.

²⁸ S. 409.175, F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ Department of Children and Families, *Child Welfare Key Indicators Monthly Report, Feb. 2023*, p. 50

https://www2.myflfamilies.com/service-programs/child-welfare/kids/results-oriented-accountability/performanceManagement/docs/KI_Monthly_Report_Jan2023.pdf (last visited April 10, 2023).

³² Department of Children and Families, Agency Analysis of 2023 HB 1557, p. 3 (March 14, 2023).

³³ S. 409.1678(2)(b), F.S.

homes must provide a safe, separate, and therapeutic environment tailored to the needs of commercially sexually exploited children who have endured significant trauma and are not eligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.³⁴

To be certified, a safe house must hold a license as a residential child-caring agency and a safe foster home must hold a license as a family foster home. They must also:

- 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.
- 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.
- 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.
- Meet other criteria established by department rule, which may include, but are not limited to, personnel qualifications, staffing ratios, and types of services offered.³⁵

Information about safe houses, safe foster homes, or other residential facilities serving child victims of commercial sexual exploitation is protected through a public records exemption.³⁶

As of May 2022, there were 6 safe houses and 21 safe foster homes in Florida with the capacity to place 63 children.³⁷

Placement of Verified Child Victims of Commercial Sexual Exploitation

Not all children who are verified victims of commercial sexual exploitation are placed in a safe house or safe foster home. This happens for a variety of reasons, such as:

- It was not a recommended level of care for the child, as the child needed to be placed in a substance abuse treatment program or mental health facility.
- The child was placed in a DJJ commitment program.
- The child is on runaway status.
- The child is referred to specialized non-residential services.³⁸

Sometimes children are not placed in a safe house despite beds being available. According to DCF:

Although the number of identified child survivors of human trafficking is higher than the number of beds available in safe houses, these beds may not always be filled because decisions to place each child are based on the existing make-up of current safe house residents and the individual's specific needs. The complexity of the residents' needs may limit the number of youth a safe home accepts at any given time. Occasionally, there is a decision to not introduce too many new youth into a home over a short period of time to ensure adequate assimilation of new youth into the program and consistent and stable staff engagement with the

³⁴ S. 409.1678(2)(a), F.S.

³⁵ S. 409.1678(2)(c), F.S.

³⁶ S. 409.1678(6)(b), F.S.

³⁷ OPPAGA, *supra* note 18, at 7.

³⁸ Department of Children and Families, *Human Trafficking of Children Annual Report*, Oct. 1, 2022, p. 12 (https://www.myflfamilies.com/sites/default/files/2023-02/Human_Trafficking_Report_2021-22.pdf (last visited April 10, 2023)).

existing youth . . . Limitations on placement can include factors such as gang affiliation and commonality of exploiter—meaning these types of factors must be considered in determining placement and the current population of the safe house or CSEC program. Youth who have a shared gang affiliation or a conflicting gang affiliation, or youth who have shared exploiters, often cannot be placed together due to the degree of conflict it may cause in the home. Safe homes frequently refuse youth who engage in recruitment activity, who display a significant history of violence, or who have complex unmet needs such as active drug use or non-compliance with mental health treatment.³⁹

This means that children who are victims of commercial sexual exploitation may be placed in a variety of settings. In FY 2021-22, 505 children were evaluated for placement in a safe house or safe foster home; of these children, 51 (12%) were placed in a safe house or safe foster home.⁴⁰

Residential Treatment Centers

Residential Treatment Centers (RTCs) are licensed by the Agency for Health Care Administration (AHCA) though the centers must also follow rules adopted by DCF. RTC's also include hospitals licensed under ch. 395, F.S., that provide residential mental health treatment. RTC's serve all children, whether they are found dependent or are not in the child welfare system.

Safe Houses for Adult Survivors of Human Trafficking

Presently, 13 privately operated safe houses serve adult survivors of human trafficking in Florida. Of these, two allow the survivor's minor children to also reside in the home. No state agency regulates or monitors adult safe houses.⁴¹

While there is no certification or licensure for homes serving adult victims, s. 787.06(10), F.S., makes information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity confidential and exempt from public records laws.

Human Trafficking Victim Advocate Communication

A human trafficking victim advocate is a person employed by, or volunteering with, an anti-human trafficking organization who provides advice, counseling or services to victims.⁴² To qualify as a human trafficking victim advocate or trained volunteer, an individual in a relevant position must complete 24 hours of human trafficking training delivered by the Office of the Attorney General, the Bureau of Criminal Justice Programs and Victim Services, and the Florida Crime Prevention Training Institute; and then, within 3 years, complete an 8-hour human trafficking update course.⁴³

Section 90.5037, F.S., makes communications between a human trafficking victim advocate or trained volunteer and a human trafficking victim⁴⁴ confidential if not intended to be disclosed to third persons other than those specified in law.⁴⁵

³⁹ *Id.*, at 6 and 13.

⁴⁰ *Id.*, at 12.

⁴¹ DCF, *supra* note 32, at 2.

⁴² S. 90.5037, F.S.

⁴³ S. 90.6037(5), F.S.

⁴⁴ "Human trafficking victim" means a person who consults a human trafficking victim advocate or a trained volunteer for the purpose of securing advice, counseling, or services concerning a need arising from an experience of human trafficking exploitation. S. 90.5037(1)(b).

⁴⁵ The specified individuals are those persons present to further the interest of the human trafficking victim in the consultation, examination, or interview, those persons necessary for the transmission of the communication, and those persons to whom disclosure is reasonably necessary to accomplish the purposes for which the human trafficking victim advocate or trained volunteer is consulted.

Additionally, a human trafficking victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the human trafficking victim to a human trafficking victim advocate or trained volunteer or a record made in the course of advising, counseling, or providing services to the human trafficking victim. Such confidential communication or record may be disclosed only with the prior written consent of the human trafficking victim. This privilege includes any advice given by the human trafficking victim advocate or trained volunteer to the human trafficking victim in the course of that relationship.

The confidentiality privilege may be claimed by:

- The human trafficking victim or the human trafficking victim's attorney on his or her behalf.
- The guardian or conservator of the human trafficking victim.
- The personal representative of a deceased human trafficking victim.
- The human trafficking victim advocate or trained volunteer, but only on behalf of the human trafficking victim. The authority of a human trafficking victim advocate or trained volunteer to claim the privilege is presumed in the absence of evidence to the contrary.

Human Trafficking Public Awareness

Section 787.29, F.S., requires the Department of Transportation and several types of businesses likely to encounter human trafficking activity to display human trafficking public awareness signs as follows:

- Rest areas, turnpike service plazas, weigh stations, primary airports, passenger rail stations, and welcome centers.⁴⁶
- Emergency rooms at general acute care hospitals.⁴⁷
- Strip clubs and other adult entertainment establishments.⁴⁸
- Businesses or establishments that offer massage or bodywork services for compensation that are not owned by health care practitioners.⁴⁹

The public awareness signs must be at least 8.5 inches by 11 inches in size, must be printed in at least 16-point type, and must state substantially the following in English and Spanish:

If you or someone you know is being forced to engage in an activity and cannot leave-whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity-call the National Human Trafficking Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of human trafficking are protected under United States and Florida law.⁵⁰

Current law authorizes each county commission to adopt an ordinance to enforce the posting of signs by strip clubs, adult entertainment establishments, and businesses or establishments offering massage or bodywork services. A violation is a noncriminal violation punishable by a fine not to exceed \$500.⁵¹

The National Human Trafficking Hotline (1-888-373-7888) is a national, toll-free hotline, available to answer calls, texts, emails, and live chats from anywhere in the United States, 24 hours a day, 7 days a week, in more than 200 languages. The hotline connects human trafficking victims and survivors to critical support and services to get help and stay safe, including the opportunity to speak with specially-trained advocates. The Trafficking Hotline has been operated since 2007 by Polaris, a non-profit, non-

⁴⁶ S. 787.29(1), F.S.

⁴⁷ S. 787.29(2), F.S.

⁴⁸ S. 787.29(3)(a), F.S.

⁴⁹ S. 787.29(3)(b), F.S.

⁵⁰ S. 787.29(4), F.S.

⁵¹ S. 787.29(5), F.S.

governmental organization. The U.S. Department of Health and Human Services and other private donors and supporters provide funding for the hotline.⁵²

Statewide Council on Human Trafficking

The Statewide Council on Human Trafficking, established within the Department of Legal Affairs, promotes development and coordination of state and local law enforcement and social services responses to fight commercial sexual exploitation and to support victims.⁵³ It comprises 15 members, including appointees of the Governor and the Attorney General, a member each from the House of Representatives and Senate, seven state agency heads or their designees, a sheriff, and an elected state attorney. The Attorney General serves as chair.⁵⁴

Current law requires the council to:

- Develop recommendations for comprehensive programs and services including recommendations for certification of safe houses and safe foster homes.
- Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within Florida; establish a process to detect such use on a consistent basis; and make recommendations on how to stop, reduce, or prevent social media platforms from being used for such purposes.
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses.
- Hold an annual statewide policy summit with an institution of higher learning.
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in our state.
- Develop overall policy recommendations.⁵⁵

The council has four working committees:

- Services and Resources Committee, chaired by DCF Secretary Shevaun Harris, which examines enhancement of victim safety and recovery.
- Criminal Justice Committee, chaired by Hillsborough County Sheriff Chad Chronister, which explores methods of enhancing law enforcement tools, resources, and training.
- Legislative and Special Initiatives Committee, chaired by Lieutenant Governor Jeanette Nuñez, which addresses legislative priorities and special initiatives, such as increasing public awareness of human trafficking.
- Education and Awareness Committee, chaired by Jennifer Collins which explores projects to spread awareness and educate the public about human trafficking and how to report it.⁵⁶

Human Trafficking and Public Lodging Establishments

The Division of Hotels and Restaurants (Division) is a division within the Department of Business and Professional Regulation (DBPR) that licenses, inspects, and regulates public lodging and food service establishments pursuant to ch. 509, F.S.⁵⁷ The term “public lodging establishment” includes both

⁵² Polaris, *The National Human Trafficking Hotline*, <https://polarisproject.org/national-human-trafficking-hotline/> (last visited March 16, 2023).

⁵³ S. 16.671(1), F.S.

⁵⁴ S. 16.617(2), F.S.

⁵⁵ Office of the Attorney General, *Statewide Council on Human Trafficking: Introduction* <http://myfloridalegal.com/pages.nsf/main/8aea5858b1253d0d85257d34005afa72> (last visited April 22, 2023).

⁵⁶ Statewide Council on Human Trafficking Florida, Department of Legal Affairs, *Annual Report 2022*, p. 7, [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-CKLQYN/\\$file/2022HumanTraffickingAnnualReportFINAL.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-CKLQYN/$file/2022HumanTraffickingAnnualReportFINAL.pdf) (last visited April 24, 2023).

⁵⁷ Sections 509.013 and 509.032, F.S.

transient⁵⁸ and nontransient⁵⁹ public lodging establishments. There are currently 63,690 public lodging establishments that are licensed by the Division.⁶⁰ The following are classified as public lodging establishments⁶¹:

- Hotels.
- Motels.
- Vacation rentals.
- Nontransient apartments.
- Transient apartments.
- Bed and breakfast inns.⁶²

Public lodging establishments must be licensed and inspected by the Division and are subject to sanitary standards, staff training and test requirements, administrative rules, and immediate closure upon a finding that continued operation presents a severe and immediate threat to the public health.⁶³

Public lodging establishments can be attractive locations for human traffickers, due to the privacy and anonymity afforded.⁶⁴ Sex trafficking operations are often set up in public lodging establishments via online advertising, without the establishment operator's knowledge.⁶⁵ The use of websites to communicate and arrange meeting times and locations enable those involved in the operation to remain anonymous.⁶⁶ In a 10 year review, from December 2007 to December 2017, the National Human Trafficking Hotline (HT Hotline) recorded 3,596 cases of human trafficking involving a hotel or motel. Additionally, 75 percent of human trafficking survivors reported coming into contact with hotels at some point while being trafficked.⁶⁷

The Division has emphasized the importance of educating staff at public lodging establishments on signs of trafficking activity, such as:

- Signs of physical abuse or malnourishment;
- Person seems coached or controlled;
- Victim rarely left alone;
- Suspicious tattoos or branding on victim;
- Living conditions unsuitable;
- Victim demeaned or treated aggressively;
- Accompanied by older male;

⁵⁸ "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. Section 509.013(4)(a)1., F.S.

⁵⁹ "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. S. 509.013(4)(a)2., F.S.

⁶⁰ The Department of Business and Professional Regulation (DBPR), *Division of Hotels & Restaurants Annual Report 2021-22*, p. 8, http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2021_22.pdf (last visited April 24, 2023).

⁶¹ Section 509.242(1)(a)-(g), F.S., sets out criteria that must be met in order for an establishment to be classified as a public lodging establishment pursuant to ch. 509, F.S.

⁶² *Id.*

⁶³ See ss. 509.032 and 509.035, F.S.

⁶⁴ The Department of Homeland Security, Blue Campaign, Human Trafficking Response Guide, p. 2, https://www.dhs.gov/sites/default/files/2022-10/Hospitality%20Toolkit%20508c%2009_29_2022.pdf (last visited April 24, 2023).

⁶⁵ The DBPR, Division of Hotels and Restaurants, Human Trafficking Information Sheet, (March 22, 2016) http://www.myfloridalicense.com/dbpr/hr/forms/documents/5022_104.pdf (last visited April 24, 2023).

⁶⁶ National Human Trafficking Hotline, Hotel/Motel-Based, <https://humantraffickinghotline.org/en/sex-trafficking-venues/industries/hotelmotel-based> (last visited April 24, 2023).

⁶⁷ Polaris, On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, (July 2018) <https://polarisproject.org/resources/on-ramps-intersections-and-exit-routes-a-roadmap-for-systems-and-industries-to-prevent-and-disrupt-human-trafficking/> (last visited April 24, 2023).

- Avoids interaction with others;
- “Do not Disturb” sign used constantly;
- Receives lots of visitors;
- Pays for room with cash;
- Dresses inappropriately or provocatively;
- Few personal belongings;
- Refuses cleaning services;
- Room smells of bodily fluids and musk;
- Lots of cash in room;
- Alcohol and/or drugs in room; and
- Room monitored outside or in hallway.⁶⁸

Human Trafficking Awareness in Public Lodging Establishments

In 2019, the Legislature required all public lodging establishments to create and implement human trafficking awareness training and policies for employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check-in or check out.⁶⁹

A public lodging establishment must:

- Provide annual training regarding human trafficking awareness to employees who perform housekeeping duties or work at the front desk within 60 days after beginning employment, or by January 1, 2021, whichever occurs later. Proof of such employee training must be provided to the Division upon request;
- Implement a procedure for the reporting of suspected human trafficking to the HT Hotline or to a local law enforcement agency by January 1, 2021; and
- Post a sign with the relevant provisions of the reporting procedure in a conspicuous place in the establishment that is accessible to employees by January 1, 2021.⁷⁰

Such training must include:

- The definition of human trafficking and the differences between sex trafficking and labor trafficking;
- Guidance specific to the public lodging sector on how to identify individuals who may be victims of human trafficking; and
- Guidance on the role of the employees of a public lodging establishment in reporting and responding to suspected human trafficking.⁷¹

The training must be submitted to and approved by the Division before being provided to employees. The Division must impose administrative fines of \$2,000 per day against a public lodging establishment that is not in compliance with statute, unless there are written assurances that each deficiency will be corrected within 90 days of the notice of violation.⁷²

Effect of Proposed Changes

Child Welfare Placements

Safe Foster Homes and Safe Houses for Children

⁶⁸ *Supra*, note 65.

⁶⁹ Chapter 2019-152 s. 6, L.O.F.; codified as s. 509.096, F.S.

⁷⁰ S. 509.096(1), F.S.

⁷¹ S. 509.096(2), F.S.

⁷² S. 509.096(3), F.S.

The bill requires safe houses for dependent children who are survivors of commercial sexual exploitation to provide appropriate security that includes, at a minimum, the detection of possible trafficking activity around the facility, an emergency response to search for absent or missing children, and coordination with law enforcement through either:

- At least one individual who is an employee or contractor of the safe house who has law enforcement, investigative, or other similar training, as established by rule by DCF; or
- A memorandum of understanding or a contract with a law enforcement agency for these functions.

Safe houses and safe foster homes must use DCF's age-appropriate programming regarding the signs and dangers of human trafficking.

Child-Caring Agencies

The bill requires child-caring agencies licensed by DCF to place signs conspicuously on the premises of facilities maintained by child-caring agencies to warn children of the dangers of human trafficking and to encourage reporting of individuals observed attempting to engage in human trafficking activity. The signs must advise children to report concerns to the local law enforcement agency or the Department of Law Enforcement, specifying the appropriate telephone numbers used for such reports. The DCF shall specify, at a minimum, the content of the signs by rule.

The bill adds a similar requirement for residential treatment centers serving children and adolescents, except that the signs must contain the number for the Human Trafficking Hotline instead of the local law enforcement telephone number, and requires DCF to consult with AHCA regarding the adoption of rules.

Adult Safe Houses

The bill establishes a regulatory program for private adult safe houses, requiring all such facilities to be certified by DCF. However, the bill delays implementation pending a study of current adult safe houses in the state.

Study

The bill requires the Services and Resources Committee of the Statewide Council on Human Trafficking to conduct a study and make recommendations regarding the regulation of adult safe houses, with administrative and staff support from DCF.

The study involves several components, as follows:

- A survey of operators of existing adult safe houses in the state on the following information regarding their operation. The information may be obtained and presented on a categorical or high-level basis, as appropriate.
 - The number of adult safe houses in Florida and the regions of the state where they are located.
 - The number of beds in adult safe houses and number of individuals served per year.
 - The policies and criteria regarding which adult survivors of human trafficking may be served and the processes for intake and discharge, such as for how referrals are received.
 - The amount of revenues supporting adult safe house operation and the sources of such funds, including but not limited to the amount of state and federal funds received and the specific source of such state and federal funds.

- Services and supports provided to adult survivors of human trafficking directly by the adult safe house and services to which residents are referred, including while they are residing in the adult safe house and after transitioning out of the adult safe house.
- Training requirements for staff and volunteers.
- The nature of and mechanisms for coordination with law enforcement.
- Whether the adult safe houses allow children of adult survivors of human trafficking to also reside in the houses, and if so, policies regarding their residence in the house and services directly provided to them or to which they may be referred.
- Policies of adult safe houses that ensure that adult survivors of human trafficking are served in a respectful and trauma-informed manner.
- Challenges faced by adult safe houses in providing a safe and therapeutic environment that is trauma-informed and in providing services to residents and their children.
- Any accreditations held by adult safe houses, external standards promulgated by outside bodies that houses meet, or other industry certifications held by adult safe houses.
- Identification of ineffective or problematic practices in existing adult safe houses in the state and recommendations regarding minimum standards for regulation.
- Identification and review of standards recommended by national organizations or experts specializing in adult safe house service provision or shelter or housing for adult survivors of human trafficking.
- Obtaining recommendations from adult survivors of human trafficking and law enforcement agencies regarding regulation of adult safe homes.
- Recommendations for regulation of adult safe houses in Florida based on, at a minimum, the information obtained by the committee under this section.

The bill requires the committee to submit two reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

- An interim report regarding its activities and findings by October 1, 2023, and
- A final report addressing all study requirements by December 31, 2023.

Regulation

The bill requires DCF to, after the completion of the study, initiate rulemaking to establish minimum standards for certification of adult safe houses, which, under the bill, will be group residential facilities that provide housing and care specifically for adult survivors of human trafficking. Under the bill, adult safe houses will serve survivors of any form of human trafficking, such as labor trafficking and sex trafficking.

The certification is to ensure that adult safe houses provide a safe and therapeutic environment and operate in a survivor-centered and trauma-informed manner.

The bill specifies that rules must include minimum standards regarding:

- Safe and therapeutic environments to receive and house adult survivors of human trafficking.
- Appropriate security.
- Safe and appropriate sheltering of minor children and other dependents of an adult survivor of human trafficking.
- Operation based on trauma-informed and survivor-centered principles.
- Trauma-informed, survivor-centered services that must at a minimum be provided and other services that may be provided or to which adult survivors of human trafficking may be referred.
- Coordination with local law enforcement agencies.
- Appropriate training, background screening, and compliance with policies and procedures, by owners, directors, board members, personnel, and volunteers of the adult safe house, as applicable.

After rules are adopted to certify adult safe houses, adult safe houses must be DCF-certified to provide group residential housing and care specifically for adult survivors of human trafficking. The bill grants adult safe houses in operation as of the rules' effective date six months to become certified.

The bill specifies that DCF must require complete applications for certification on department forms. Adult safe houses must gain recertification every two years, using forms furnished by the department.

DCF must inspect adult safe houses before certification and no less than annually thereafter to ensure compliance with the requirements. If the department finds failure by an adult safe house to comply with the requirements established in or rules adopted under this section, the department may subject the adult safe house to disciplinary action, including but not limited to requiring a corrective action plan, imposing administrative fines, or denying, suspending, or revoking the certification of the adult safe house.

The bill allows adult safe houses to give DCF a list of the names of the human trafficking advocates who are employed by or who volunteer at the adult safe house who may claim a confidential communication privilege under s. 90.5037, F.S. If a list is filed, the list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position, and an adult safe house shall file amendments to this list as necessary.

Public Lodging Establishments

The bill amends s. 509.096(3), F.S, to reduce the time that a public lodging establishment has to correct training and signage deficiencies from 90 to 45 days and makes the establishment ineligible for any correction period for a second or subsequent violation occurring after July 1, 2023.

The bill provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$388,000 of non-recurring funds for the development of a technology platform to support adult safe house certification and \$75,000 of recurring funds for the ongoing maintenance of the platform.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Safe houses serving child welfare children will be required to provide additional security on their premises, which may have a fiscal impact to the degree they do not already provide such security. There could be a negative fiscal impact if a safe house is unable to negotiate higher rates to compensate for the additional expense.

Adult safe houses may have additional expenses if they do not meet the requirements that DCF adopts under the bill and must change operations to meet them.

D. FISCAL COMMENTS:

None.