

By the Committee on Children, Families, and Elder Affairs; and
Senator Ingoglia

586-03140-23

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1 A bill to be entitled
2 An act relating to sexual exploitation and human
3 trafficking; amending s. 394.875, F.S.; requiring
4 residential treatment centers for children and
5 adolescents to place specified signage; requiring the
6 Department of Children and Families, in consultation
7 with the Agency for Health Care Administration, to
8 adopt rules; amending s. 787.29, F.S.; making
9 technical changes; creating s. 402.88, F.S.; defining
10 terms; requiring the department to develop a process
11 to certify adult safe houses that provide housing and
12 care to adult survivors of human trafficking;
13 providing certification requirements; authorizing
14 rulemaking; requiring the department to inspect adult
15 safe houses before certification and annually
16 thereafter; requiring the department to ensure the
17 staff of each adult safe house completes specified
18 intensive training; providing for department actions
19 for noncompliance; amending s. 409.1678, F.S.;
20 providing requirements for safe houses and safe foster
21 homes; requiring the department to develop or approve
22 educational programming on commercial sexual
23 exploitation; amending s. 409.175, F.S.; requiring
24 specified signage to be placed on the premises of
25 facilities maintained by licensed child-caring
26 agencies; requiring the department to adopt rules;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (8) of section 394.875, Florida Statutes, is amended to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.—

(8) (a) The department, in consultation with the agency, must adopt rules governing a residential treatment center for children and adolescents which specify licensure standards for: admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraints, and time-out; rights of patients under s. 394.459; use of psychotropic medications; and standards for the operation of such centers.

(b) Residential treatment centers for children and adolescents must conspicuously place signs on their premises to warn children and adolescents of the dangers of human trafficking and to encourage the reporting of individuals observed attempting to engage in human trafficking activity. The signs must contain the telephone number for the National Human Trafficking Hotline or such other number that the Department of Law Enforcement uses to detect and stop human trafficking. The department, in consultation with the agency, shall specify, at a minimum, the content of the signs by rule.

Section 2. Subsections (3) and (5) of section 787.29, Florida Statutes, are amended, and subsection (4) of that section is republished, to read:

787.29 Human trafficking public awareness signs.—

(3) (a) The employer at each of the following establishments

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59 shall display a public awareness sign developed under subsection
60 (4) in a conspicuous location that is clearly visible to the
61 public and employees of the establishment:

62 1.(a) A strip club or other adult entertainment
63 establishment.

64 2.(b) A business or establishment that offers massage or
65 bodywork services for compensation that is not owned by a health
66 care practitioner regulated pursuant to chapter 456 and defined
67 in s. 456.001.

68 (b) The county commission may adopt an ordinance to enforce
69 this subsection. A violation of this subsection is a noncriminal
70 violation and punishable by a fine only as provided in s.
71 775.083.

72 (4) The required public awareness sign must be at least 8.5
73 inches by 11 inches in size, must be printed in at least a 16-
74 point type, and must state substantially the following in
75 English and Spanish:

76
77 "If you or someone you know is being forced to engage
78 in an activity and cannot leave—whether it is
79 prostitution, housework, farm work, factory work,
80 retail work, restaurant work, or any other activity—
81 call the National Human Trafficking Resource Center at
82 1-888-373-7888 or text INFO or HELP to 233-733 to
83 access help and services. Victims of slavery and human
84 trafficking are protected under United States and
85 Florida law."

86
87 ~~(5) The county commission may adopt an ordinance to enforce~~

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88 ~~subsection (3). A violation of subsection (3) is a noncriminal~~
89 ~~violation and punishable by a fine only as provided in s.~~
90 ~~775.083.~~

91 Section 3. Section 402.88, Florida Statutes, is created to
92 read:

93 402.88 Adult safe houses for adults who have been sexually
94 exploited or trafficked.—

95 (1) As used in this section the term:

96 (a) "Adult safe house" means a group residential facility
97 certified by the department under this section to care for
98 adults who have been sexually exploited or trafficked.

99 (b) "Department" means the Department of Children and
100 Families.

101 (2) The department shall establish a process to certify
102 adult safe houses that provide housing and care to adult
103 survivors of human trafficking as defined in s. 787.06. The
104 adult safe houses certified under this section must:

105 (a) Provide a facility which will serve as an adult safe
106 house to receive and house persons who are victims of human
107 trafficking. For the purpose of this section, minor children and
108 other dependents of a victim, when such dependents are partly or
109 wholly dependent on the victim for support or services, may be
110 sheltered with the victim in an adult safe house.

111 (b) Receive the annual written endorsement of local law
112 enforcement agencies.

113 (c) Provide minimum services that include, but are not
114 limited to, information and referral services, licensed
115 counseling and case management services, substance abuse
116 screening and, when necessary, access or referral to treatment,

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117 temporary emergency shelter for more than 24 hours, a 24-hour
118 hotline, nonresidential outreach services, training for law
119 enforcement personnel, assessment and appropriate referral of
120 resident children, and educational services for community
121 awareness relative to the incidence of human trafficking, the
122 prevention of such crimes, and the services available for
123 persons subject to human trafficking. If a 24-hour hotline,
124 professional training, or community education is already
125 provided by an adult safe house within its designated service
126 area, the department may exempt such certification requirements
127 for a new center serving the same service area to avoid
128 duplication of services.

129 (d) Participate in the provision of orientation and
130 training programs developed for law enforcement officers, social
131 workers, and other professionals and paraprofessionals who work
132 with human trafficking victims to better enable such persons to
133 deal effectively with incidents of human trafficking.

134 (e) Provide a safe, therapeutic environment tailored to the
135 needs of commercially sexually exploited or trafficked adults
136 who have endured significant trauma. Adult safe houses shall use
137 a model of treatment that includes strength-based and trauma-
138 informed approaches.

139 (f) File with the department a list of the names of the
140 human trafficking advocates who are employed or who volunteer at
141 the adult safe house who may claim a privilege under s. 90.5037
142 to refuse to disclose a confidential communication between a
143 victim of human trafficking and the advocate regarding the human
144 trafficking inflicted upon the victim. The list must include the
145 title of the position held by the advocate whose name is listed

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146 and a description of the duties of that position. An adult safe
147 house shall file amendments to this list as necessary.

148 (g) Comply with rules adopted under this section.

149 (3) The department may adopt rules to implement this
150 section. The rules adopted must include health and safety
151 provisions, including but not limited to protection from
152 recruitment, to ensure that the minor children and other
153 dependents of a victim that shelter in the adult safe house
154 under paragraph (2) (a) do not become at risk of becoming, or
155 become victims of commercial sexual exploitation.

156 (4) The department shall inspect adult safe houses before
157 certification and annually thereafter to ensure compliance with
158 the requirements of this section.

159 (5) The department shall ensure the staff of each adult
160 safe house completes intensive training that, at a minimum,
161 includes the needs of victims of commercial sexual exploitation,
162 the effects of trauma and sexual exploitation, and how to
163 address victims' needs using strength-based and trauma-informed
164 approaches. The department shall specify by rule the contents of
165 this training and may develop or contract for a standard
166 curriculum.

167 (6) If the department finds that there is failure by an
168 adult safe house to comply with the requirements established, or
169 rules adopted, under this section, the department may deny,
170 suspend, or revoke the certification of the adult safe house.

171 Section 4. Paragraphs (c) and (d) of subsection (2) of
172 section 409.1678, Florida Statutes, is amended to read:

173 409.1678 Specialized residential options for children who
174 are victims of commercial sexual exploitation.-

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175 (2) CERTIFICATION OF SAFE HOUSES AND SAFE FOSTER HOMES.—

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

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

183 2. Serve exclusively one sex.

184 3. Group child victims of commercial sexual exploitation by
185 age or maturity level.

186 4. Care for child victims of commercial sexual exploitation
187 in a manner that separates those children from children with
188 other needs. Safe houses and safe foster homes may care for
189 other populations if the children who have not experienced
190 commercial sexual exploitation do not interact with children who
191 have experienced commercial sexual exploitation.

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

194 6.a. Provide appropriate security through facility design,
195 hardware, technology, staffing, and siting, including, but not
196 limited to, external video monitoring or door exit alarms, a
197 high staff-to-client ratio, or being situated in a remote
198 location that is isolated from major transportation centers and
199 common trafficking areas.

200 b. If a safe house, appropriate security must provide for,
201 at a minimum, the detection of possible trafficking activity
202 around a facility, coordination with law enforcement, and be
203 part of the emergency response to search for absent or missing

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204 children. For a safe house to be in compliance with providing
205 appropriate security under this subparagraph, the safe house
206 must either:

207 (I) Employ or contract with at least one individual that
208 has law enforcement, investigative, or other similar training,
209 as established by rule by the department; or

210 (II) Execute a contract or memorandum of understanding with
211 a law enforcement agency to perform these functions.

212 7. If a safe house, conspicuously place signs on the
213 premises to warn children of the dangers of human trafficking
214 and to encourage the reporting of individuals observed
215 attempting to engage in human trafficking activity. The signs
216 must advise children to report concerns to the local law
217 enforcement agency or the Department of Law Enforcement,
218 specifying the appropriate telephone numbers used for such
219 reports. The department shall specify, at a minimum, the content
220 of the signs by rule.

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

224 (d) Safe houses and safe foster homes shall provide
225 services tailored to the needs of child victims of commercial
226 sexual exploitation and shall conduct a comprehensive assessment
227 of the service needs of each resident. In addition to the
228 services required to be provided by residential child caring
229 agencies and family foster homes, safe houses and safe foster
230 homes must provide, arrange for, or coordinate, at a minimum,
231 the following services:

232 1. Victim-witness counseling.

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- 233 2. Family counseling.
- 234 3. Behavioral health care.
- 235 4. Treatment and intervention for sexual assault.
- 236 5. Education tailored to the child's individual needs,
237 including remedial education if necessary.
- 238 6. Life skills and workforce training.
- 239 7. Mentoring by a survivor of commercial sexual
240 exploitation, if available and appropriate for the child.
- 241 8. Substance abuse screening and, when necessary, access to
242 treatment.
- 243 9. Planning services for the successful transition of each
244 child back to the community.
- 245 10. Activities structured in a manner that provides child
246 victims of commercial sexual exploitation with a full schedule.
- 247 11. Deliver age-appropriate programming to educate children
248 regarding the signs and dangers of commercial sexual
249 exploitation and how to report commercial sexual exploitation.
250 The department shall develop or approve such programming.

251 Section 5. Paragraph (b) of subsection (5) of section
252 409.175, Florida Statutes, is amended to read:

253 409.175 Licensure of family foster homes, residential
254 child-caring agencies, and child-placing agencies; public
255 records exemption.—

256 (5) The department shall adopt and amend rules for the
257 levels of licensed care associated with the licensure of family
258 foster homes, residential child-caring agencies, and child-
259 placing agencies. The rules may include criteria to approve
260 waivers to licensing requirements when applying for a child-
261 specific license.

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262 (b) The requirements for licensure and operation of family
263 foster homes, residential child-caring agencies, and child-
264 placing agencies shall include:

265 1. The operation, conduct, and maintenance of these homes
266 and agencies and the responsibility which they assume for
267 children served and the evidence of need for that service.

268 2. The provision of food, clothing, educational
269 opportunities, services, equipment, and individual supplies to
270 assure the healthy physical, emotional, and mental development
271 of the children served.

272 3. The appropriateness, safety, cleanliness, and general
273 adequacy of the premises, including fire prevention and health
274 standards, to provide for the physical comfort, care, and well-
275 being of the children served.

276 4. The ratio of staff to children required to provide
277 adequate care and supervision of the children served and, in the
278 case of family foster homes, the maximum number of children in
279 the home.

280 5. The good moral character based upon screening,
281 education, training, and experience requirements for personnel
282 and family foster homes.

283 6. The department may grant exemptions from
284 disqualification from working with children or the
285 developmentally disabled as provided in s. 435.07.

286 7. The provision of preservice and inservice training for
287 all foster parents and agency staff.

288 8. Satisfactory evidence of financial ability to provide
289 care for the children in compliance with licensing requirements.

290 9. The maintenance by the agency of records pertaining to

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291 admission, progress, health, and discharge of children served,
292 including written case plans and reports to the department.

293 10. The provision for parental involvement to encourage
294 preservation and strengthening of a child's relationship with
295 the family.

296 11. The transportation safety of children served.

297 12. The provisions for safeguarding the cultural,
298 religious, and ethnic values of a child.

299 13. Provisions to safeguard the legal rights of children
300 served.

301 14. Requiring signs to be conspicuously placed on the
302 premises of facilities maintained by child-caring agencies to
303 warn children of the dangers of human trafficking and to
304 encourage the reporting of individuals observed attempting to
305 engage in human trafficking activity. The signs must advise
306 children to report concerns to the local law enforcement agency
307 or the Department of Law Enforcement, specifying the appropriate
308 telephone numbers used for such reports. The department shall
309 specify, at a minimum, the content of the signs by rule.

310 Section 6. This act shall take effect July 1, 2023.