

By the Appropriations Committee on Health and Human Services;
the Committee on Children, Families, and Elder Affairs; and
Senator Ingoglia

603-03741-23

20231690c2

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 amending s. 943.0583, F.S.; expanding the eligibility
28 criteria for human trafficking victims who may seek
29 expunction to include victims with certain records

603-03741-23

20231690c2

30 related to an offense listed in s. 775.084(1)(b)1.,
31 F.S.; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

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

37 394.875 Crisis stabilization units, residential treatment
38 facilities, and residential treatment centers for children and
39 adolescents; authorized services; license required.—

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

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

58 Section 2. Subsections (3) and (5) of section 787.29,

603-03741-23

20231690c2

59 Florida Statutes, are amended, and subsection (4) of that
60 section is republished, to read:

61 787.29 Human trafficking public awareness signs.—

62 (3) (a) The employer at each of the following establishments
63 shall display a public awareness sign developed under subsection
64 (4) in a conspicuous location that is clearly visible to the
65 public and employees of the establishment:

66 1. ~~(a)~~ A strip club or other adult entertainment
67 establishment.

68 2. ~~(b)~~ A business or establishment that offers massage or
69 bodywork services for compensation that is not owned by a health
70 care practitioner regulated pursuant to chapter 456 and defined
71 in s. 456.001.

72 (b) The county commission may adopt an ordinance to enforce
73 this subsection. A violation of this subsection is a noncriminal
74 violation and punishable by a fine only as provided in s.
75 775.083.

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

80
81 "If you or someone you know is being forced to engage
82 in an activity and cannot leave—whether it is
83 prostitution, housework, farm work, factory work,
84 retail work, restaurant work, or any other activity—
85 call the National Human Trafficking Resource Center at
86 1-888-373-7888 or text INFO or HELP to 233-733 to
87 access help and services. Victims of slavery and human

603-03741-23

20231690c2

88 trafficking are protected under United States and
89 Florida law.”

90

91 ~~(5) The county commission may adopt an ordinance to enforce~~
92 ~~subsection (3). A violation of subsection (3) is a noncriminal~~
93 ~~violation and punishable by a fine only as provided in s.~~
94 ~~775.083.~~

95 Section 3. Section 402.88, Florida Statutes, is created to
96 read:

97 402.88 Adult safe houses for adults who have been sexually
98 exploited or trafficked.—

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

100 (a) “Adult safe house” means a group residential facility
101 certified by the department under this section to care for
102 adults who have been sexually exploited or trafficked.

103 (b) “Department” means the Department of Children and
104 Families.

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

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

115 (b) Receive the annual written endorsement of local law
116 enforcement agencies.

603-03741-23

20231690c2

117 (c) Provide minimum services that include, but are not
118 limited to, information and referral services, licensed
119 counseling and case management services, substance abuse
120 screening and, when necessary, access or referral to treatment,
121 temporary emergency shelter for more than 24 hours, a 24-hour
122 hotline, nonresidential outreach services, training for law
123 enforcement personnel, assessment and appropriate referral of
124 resident children, and educational services for community
125 awareness relative to the incidence of human trafficking, the
126 prevention of such crimes, and the services available for
127 persons subject to human trafficking. If a 24-hour hotline,
128 professional training, or community education is already
129 provided by an adult safe house within its designated service
130 area, the department may exempt such certification requirements
131 for a new center serving the same service area to avoid
132 duplication of services.

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

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

143 (f) File with the department a list of the names of the
144 human trafficking advocates who are employed or who volunteer at
145 the adult safe house who may claim a privilege under s. 90.5037

603-03741-23

20231690c2

146 to refuse to disclose a confidential communication between a
147 victim of human trafficking and the advocate regarding the human
148 trafficking inflicted upon the victim. The list must include the
149 title of the position held by the advocate whose name is listed
150 and a description of the duties of that position. An adult safe
151 house shall file amendments to this list as necessary.

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

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

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

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

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

603-03741-23

20231690c2

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

177 409.1678 Specialized residential options for children who
178 are victims of commercial sexual exploitation.—

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

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

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

187 2. Serve exclusively one sex.

188 3. Group child victims of commercial sexual exploitation by
189 age or maturity level.

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

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

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

603-03741-23

20231690c2

204 b. If a safe house, appropriate security must provide for,
205 at a minimum, the detection of possible trafficking activity
206 around a facility, coordination with law enforcement, and be
207 part of the emergency response to search for absent or missing
208 children. For a safe house to be in compliance with providing
209 appropriate security under this subparagraph, the safe house
210 must either:

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

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

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

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

228 (d) Safe houses and safe foster homes shall provide
229 services tailored to the needs of child victims of commercial
230 sexual exploitation and shall conduct a comprehensive assessment
231 of the service needs of each resident. In addition to the
232 services required to be provided by residential child caring

603-03741-23

20231690c2

233 agencies and family foster homes, safe houses and safe foster
234 homes must provide, arrange for, or coordinate, at a minimum,
235 the following services:

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

255 Section 5. Paragraph (b) of subsection (5) of section
256 409.175, Florida Statutes, is amended to read:

257 409.175 Licensure of family foster homes, residential
258 child-caring agencies, and child-placing agencies; public
259 records exemption.—

260 (5) The department shall adopt and amend rules for the
261 levels of licensed care associated with the licensure of family

603-03741-23

20231690c2

262 foster homes, residential child-caring agencies, and child-
263 placing agencies. The rules may include criteria to approve
264 waivers to licensing requirements when applying for a child-
265 specific license.

266 (b) The requirements for licensure and operation of family
267 foster homes, residential child-caring agencies, and child-
268 placing agencies shall include:

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

272 2. The provision of food, clothing, educational
273 opportunities, services, equipment, and individual supplies to
274 assure the healthy physical, emotional, and mental development
275 of the children served.

276 3. The appropriateness, safety, cleanliness, and general
277 adequacy of the premises, including fire prevention and health
278 standards, to provide for the physical comfort, care, and well-
279 being of the children served.

280 4. The ratio of staff to children required to provide
281 adequate care and supervision of the children served and, in the
282 case of family foster homes, the maximum number of children in
283 the home.

284 5. The good moral character based upon screening,
285 education, training, and experience requirements for personnel
286 and family foster homes.

287 6. The department may grant exemptions from
288 disqualification from working with children or the
289 developmentally disabled as provided in s. 435.07.

290 7. The provision of preservice and inservice training for

603-03741-23

20231690c2

291 all foster parents and agency staff.

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

294 9. The maintenance by the agency of records pertaining to
295 admission, progress, health, and discharge of children served,
296 including written case plans and reports to the department.

297 10. The provision for parental involvement to encourage
298 preservation and strengthening of a child's relationship with
299 the family.

300 11. The transportation safety of children served.

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

303 13. Provisions to safeguard the legal rights of children
304 served.

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

314 Section 6. Subsection (3) of section 943.0583, Florida
315 Statutes, is amended, and subsections (10) and (11) of that
316 section are republished, to read:

317 943.0583 Human trafficking victim expunction.—

318 (3) (a) Except as provided in paragraph (b), a person who is
319 a victim of human trafficking may petition for the expunction of

603-03741-23

20231690c2

320 a criminal history record resulting from the arrest or filing of
321 charges for one or more offenses committed or reported to have
322 been committed while the person was a victim of human
323 trafficking, which offense was committed or reported to have
324 been committed as a part of the human trafficking scheme of
325 which the person was a victim or at the direction of an operator
326 of the scheme, including, but not limited to, violations under
327 chapters 796 and 847, without regard to the disposition of the
328 arrest or of any charges.

329 (b) A person who is a victim of human trafficking may not
330 petition the court for the expunction of a criminal history
331 record that resulted from a conviction of an offense listed in
332 s. 775.084(1)(b)1. For purposes of this section, the term
333 "conviction" has the same meaning as s. 943.0584(1) ~~However,~~
334 ~~this section does not apply to any offense listed in s.~~
335 ~~775.084(1)(b)1.~~

336 (c) Determination of the petition under this section should
337 be by a preponderance of the evidence. A conviction expunged
338 under this section is deemed to have been vacated due to a
339 substantive defect in the underlying criminal proceedings. If a
340 person is adjudicated not guilty by reason of insanity or is
341 found to be incompetent to stand trial for any such charge, the
342 expunction of the criminal history record may not prevent the
343 entry of the judgment or finding in state and national databases
344 for use in determining eligibility to purchase or possess a
345 firearm or to carry a concealed firearm, as authorized in s.
346 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent
347 any governmental agency that is authorized by state or federal
348 law to determine eligibility to purchase or possess a firearm or

603-03741-23

20231690c2

349 to carry a concealed firearm from accessing or using the record
350 of the judgment or finding in the course of such agency's
351 official duties.

352 (10) (a) A criminal history record ordered expunged under
353 this section that is retained by the department is confidential
354 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
355 Constitution, except that the record shall be made available:

356 1. To criminal justice agencies for their respective
357 criminal justice purposes.

358 2. To any governmental agency that is authorized by state
359 or federal law to determine eligibility to purchase or possess a
360 firearm or to carry a concealed firearm for use in the course of
361 such agency's official duties.

362 3. Upon order of a court of competent jurisdiction.

363 (b) A criminal justice agency may retain a notation
364 indicating compliance with an order to expunge.

365 (11) (a) The following criminal intelligence information or
366 criminal investigative information is confidential and exempt
367 from s. 119.07(1) and s. 24(a), Art. I of the State
368 Constitution:

369 1. Any information that reveals the identity of a person
370 who is a victim of human trafficking whose criminal history
371 record has been expunged under this section.

372 2. Any information that may reveal the identity of a person
373 who is a victim of human trafficking whose criminal history
374 record has been ordered expunged under this section.

375 (b) Criminal investigative information and criminal
376 intelligence information made confidential and exempt under this
377 subsection may be disclosed by a law enforcement agency:

603-03741-23

20231690c2

378 1. In the furtherance of its official duties and
379 responsibilities.

380 2. For print, publication, or broadcast if the law
381 enforcement agency determines that such release would assist in
382 locating or identifying a person that the agency believes to be
383 missing or endangered. The information provided should be
384 limited to that needed to identify or locate the victim.

385 3. To another governmental agency in the furtherance of its
386 official duties and responsibilities.

387 (c) This exemption applies to such confidential and exempt
388 criminal intelligence information or criminal investigative
389 information held by a law enforcement agency before, on, or
390 after the effective date of the exemption.

391 Section 7. This act shall take effect July 1, 2023.