

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

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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; creating s. 402.88, F.S.; defining terms;
9 requiring the department to develop a process to
10 certify adult safe houses that provide housing and
11 care to adult survivors of human trafficking;
12 providing certification requirements; authorizing
13 rulemaking; requiring the department to inspect adult
14 safe houses before certification and annually
15 thereafter; requiring the department to ensure the
16 staff of each adult safe house completes specified
17 intensive training; providing for department actions
18 for noncompliance; amending s. 409.1678, F.S.;
19 providing requirements for safe houses and safe foster
20 homes; requiring the department to develop or approve
21 educational programming on commercial sexual
22 exploitation; amending s. 409.175, F.S.; requiring
23 specified signage to be placed on the premises of
24 facilities maintained by licensed child-caring
25 agencies; requiring the department to adopt rules;
26 amending s. 509.096, F.S.; reducing the correction
27 period for a public lodging establishment to respond
28 to a violation committed on or after a specified date;
29 prohibiting the Division of Hotels and Restaurants of

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30 the Department of Business and Professional Regulation
31 from providing a correction period to a public lodging
32 establishment for a second or subsequent violation
33 committed on or after a specified date; requiring the
34 division to impose the applicable administrative fines
35 for such violations; amending s. 943.0583, F.S.;
36 prohibiting victims of human trafficking from
37 petitioning the court for the expunction of a criminal
38 history record that resulted from a conviction of
39 specified offenses; defining the term "conviction";
40 amending s. 787.29, F.S.; making technical changes;
41 providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsection (8) of section 394.875, Florida
46 Statutes, is amended to read:

47 394.875 Crisis stabilization units, residential treatment
48 facilities, and residential treatment centers for children and
49 adolescents; authorized services; license required.—

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

58 (b) Residential treatment centers for children and

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59 adolescents must conspicuously place signs on their premises to
60 warn children and adolescents of the dangers of human
61 trafficking and to encourage the reporting of individuals
62 observed attempting to engage in human trafficking activity. The
63 signs must contain the telephone number for the National Human
64 Trafficking Hotline or such other number that the Department of
65 Law Enforcement uses to detect and stop human trafficking. The
66 department, in consultation with the agency, shall specify, at a
67 minimum, the content of the signs by rule.

68 Section 2. Section 402.88, Florida Statutes, is created to
69 read:

70 402.88 Adult safe houses for adults who have been sexually
71 exploited or trafficked.—

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

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

76 (b) "Department" means the Department of Children and
77 Families.

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

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

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88 (b) Receive the annual written endorsement of local law
89 enforcement agencies.

90 (c) Provide minimum services that include, but are not
91 limited to, information and referral services, licensed
92 counseling and case management services, substance abuse
93 screening and, when necessary, access or referral to treatment,
94 temporary emergency shelter for more than 24 hours, a 24-hour
95 hotline, nonresidential outreach services, training for law
96 enforcement personnel, assessment and appropriate referral of
97 resident children, and educational services for community
98 awareness relative to the incidence of human trafficking, the
99 prevention of such crimes, and the services available for
100 persons subject to human trafficking. If a 24-hour hotline,
101 professional training, or community education is already
102 provided by an adult safe house within its designated service
103 area, the department may exempt such certification requirements
104 for a new center serving the same service area to avoid
105 duplication of services.

106 (d) Participate in the provision of orientation and
107 training programs developed for law enforcement officers, social
108 workers, and other professionals and paraprofessionals who work
109 with human trafficking victims to better enable such persons to
110 deal effectively with incidents of human trafficking.

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

116 (f) File with the department a list of the names of the

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117 human trafficking advocates who are employed or who volunteer at
118 the adult safe house who may claim a privilege under s. 90.5037
119 to refuse to disclose a confidential communication between a
120 victim of human trafficking and the advocate regarding the human
121 trafficking inflicted upon the victim. The list must include the
122 title of the position held by the advocate whose name is listed
123 and a description of the duties of that position. An adult safe
124 house shall file amendments to this list as necessary.

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

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

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

136 (5) The department shall ensure the staff of each adult
137 safe house completes intensive training that, at a minimum,
138 includes the needs of victims of commercial sexual exploitation,
139 the effects of trauma and sexual exploitation, and how to
140 address victims' needs using strength-based and trauma-informed
141 approaches. The department shall specify by rule the contents of
142 this training and may develop or contract for a standard
143 curriculum.

144 (6) If the department finds that there is failure by an
145 adult safe house to comply with the requirements established, or

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146 rules adopted, under this section, the department may deny,
147 suspend, or revoke the certification of the adult safe house.

148 Section 3. Paragraphs (c) and (d) of subsection (2) of
149 section 409.1678, Florida Statutes, are amended to read:

150 409.1678 Specialized residential options for children who
151 are victims of commercial sexual exploitation.—

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

153 (c) To be certified, a safe house must hold a license as a
154 residential child-caring agency, as defined in s. 409.175, and a
155 safe foster home must hold a license as a family foster home, as
156 defined in s. 409.175. A safe house or safe foster home must
157 also:

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

160 2. Serve exclusively one sex.

161 3. Group child victims of commercial sexual exploitation by
162 age or maturity level.

163 4. Care for child victims of commercial sexual exploitation
164 in a manner that separates those children from children with
165 other needs. Safe houses and safe foster homes may care for
166 other populations if the children who have not experienced
167 commercial sexual exploitation do not interact with children who
168 have experienced commercial sexual exploitation.

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

171 6.a. Provide appropriate security through facility design,
172 hardware, technology, staffing, and siting, including, but not
173 limited to, external video monitoring or door exit alarms, a
174 high staff-to-client ratio, or being situated in a remote

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175 location that is isolated from major transportation centers and
176 common trafficking areas.

177 b. If a safe house, appropriate security must provide for,
178 at a minimum, the detection of possible trafficking activity
179 around a facility, coordination with law enforcement, and be
180 part of the emergency response to search for absent or missing
181 children. For a safe house to be in compliance with providing
182 appropriate security under this subparagraph, the safe house
183 must either:

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

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

189 7. If a safe house, conspicuously place signs on the
190 premises to warn children of the dangers of human trafficking
191 and to encourage the reporting of individuals observed
192 attempting to engage in human trafficking activity. The signs
193 must advise children to report concerns to the local law
194 enforcement agency or the Department of Law Enforcement,
195 specifying the appropriate telephone numbers used for such
196 reports. The department shall specify, at a minimum, the content
197 of the signs by rule.

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

201 (d) Safe houses and safe foster homes shall provide
202 services tailored to the needs of child victims of commercial
203 sexual exploitation and shall conduct a comprehensive assessment

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204 of the service needs of each resident. In addition to the
205 services required to be provided by residential child caring
206 agencies and family foster homes, safe houses and safe foster
207 homes must provide, arrange for, or coordinate, at a minimum,
208 the following services:

- 209 1. Victim-witness counseling.
- 210 2. Family counseling.
- 211 3. Behavioral health care.
- 212 4. Treatment and intervention for sexual assault.
- 213 5. Education tailored to the child's individual needs,
214 including remedial education if necessary.
- 215 6. Life skills and workforce training.
- 216 7. Mentoring by a survivor of commercial sexual
217 exploitation, if available and appropriate for the child.
- 218 8. Substance abuse screening and, when necessary, access to
219 treatment.
- 220 9. Planning services for the successful transition of each
221 child back to the community.
- 222 10. Activities structured in a manner that provides child
223 victims of commercial sexual exploitation with a full schedule.
- 224 11. Deliver age-appropriate programming to educate children
225 regarding the signs and dangers of commercial sexual
226 exploitation and how to report commercial sexual exploitation.
227 The department shall develop or approve such programming.

228 Section 4. Paragraph (b) of subsection (5) of section
229 409.175, Florida Statutes, is amended to read:

230 409.175 Licensure of family foster homes, residential
231 child-caring agencies, and child-placing agencies; public
232 records exemption.—

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233 (5) The department shall adopt and amend rules for the
234 levels of licensed care associated with the licensure of family
235 foster homes, residential child-caring agencies, and child-
236 placing agencies. The rules may include criteria to approve
237 waivers to licensing requirements when applying for a child-
238 specific license.

239 (b) The requirements for licensure and operation of family
240 foster homes, residential child-caring agencies, and child-
241 placing agencies shall include:

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

245 2. The provision of food, clothing, educational
246 opportunities, services, equipment, and individual supplies to
247 assure the healthy physical, emotional, and mental development
248 of the children served.

249 3. The appropriateness, safety, cleanliness, and general
250 adequacy of the premises, including fire prevention and health
251 standards, to provide for the physical comfort, care, and well-
252 being of the children served.

253 4. The ratio of staff to children required to provide
254 adequate care and supervision of the children served and, in the
255 case of family foster homes, the maximum number of children in
256 the home.

257 5. The good moral character based upon screening,
258 education, training, and experience requirements for personnel
259 and family foster homes.

260 6. The department may grant exemptions from
261 disqualification from working with children or the

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262 developmentally disabled as provided in s. 435.07.

263 7. The provision of preservice and inservice training for
264 all foster parents and agency staff.

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

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

270 10. The provision for parental involvement to encourage
271 preservation and strengthening of a child's relationship with
272 the family.

273 11. The transportation safety of children served.

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

276 13. Provisions to safeguard the legal rights of children
277 served.

278 14. Requiring signs to be conspicuously placed on the
279 premises of facilities maintained by child-caring agencies to
280 warn children of the dangers of human trafficking and to
281 encourage the reporting of individuals observed attempting to
282 engage in human trafficking activity. The signs must advise
283 children to report concerns to the local law enforcement agency
284 or the Department of Law Enforcement, specifying the appropriate
285 telephone numbers used for such reports. The department shall
286 specify, at a minimum, the content of the signs by rule.

287 Section 5. Subsection (3) of section 509.096, Florida
288 Statutes, is amended to read:

289 509.096 Human trafficking awareness training and policies
290 for employees of public lodging establishments; enforcement.—

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291 (3) For a violation committed on or after July 1, 2023, the
292 division shall impose an administrative fine of \$2,000 per day
293 on a public lodging establishment that is not in compliance with
294 this section and remit the fines to the direct-support
295 organization established under s. 16.618, unless the division
296 receives adequate written documentation from the public lodging
297 establishment which provides assurance that each deficiency will
298 be corrected within 45 ~~90~~ days after the division provided the
299 public lodging establishment with notice of its violation. For a
300 second or subsequent violation of this subsection committed on
301 or after July 1, 2023, the division may not provide a correction
302 period to a public lodging establishment and must impose the
303 applicable administrative fines.

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

307 943.0583 Human trafficking victim expunction.—

308 (3) (a) Except as provided in paragraph (b), a person who is
309 a victim of human trafficking may petition for the expunction of
310 a criminal history record resulting from the arrest or filing of
311 charges for one or more offenses committed or reported to have
312 been committed while the person was a victim of human
313 trafficking, which offense was committed or reported to have
314 been committed as a part of the human trafficking scheme of
315 which the person was a victim or at the direction of an operator
316 of the scheme, including, but not limited to, violations under
317 chapters 796 and 847, without regard to the disposition of the
318 arrest or of any charges.

319 (b) A person who is a victim of human trafficking may not

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320 petition the court for the expunction of a criminal history
321 record that resulted from a conviction of an offense listed in
322 s. 775.084(1)(b)1. For purposes of this section, the term
323 "conviction" has the same meaning as s. 943.0584(1) ~~However,~~
324 ~~this section does not apply to any offense listed in s.~~
325 ~~775.084(1)(b)1.~~

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

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

- 346 1. To criminal justice agencies for their respective
347 criminal justice purposes.
- 348 2. To any governmental agency that is authorized by state

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349 or federal law to determine eligibility to purchase or possess a
350 firearm or to carry a concealed firearm for use in the course of
351 such agency's official duties.

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

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

355 (11)(a) The following criminal intelligence information or
356 criminal investigative information is confidential and exempt
357 from s. 119.07(1) and s. 24(a), Art. I of the State
358 Constitution:

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

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

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

368 1. In the furtherance of its official duties and
369 responsibilities.

370 2. For print, publication, or broadcast if the law
371 enforcement agency determines that such release would assist in
372 locating or identifying a person that the agency believes to be
373 missing or endangered. The information provided should be
374 limited to that needed to identify or locate the victim.

375 3. To another governmental agency in the furtherance of its
376 official duties and responsibilities.

377 (c) This exemption applies to such confidential and exempt

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378 criminal intelligence information or criminal investigative
379 information held by a law enforcement agency before, on, or
380 after the effective date of the exemption.

381 Section 7. Subsections (3) and (5) of section 787.29,
382 Florida Statutes, are amended, and subsection (4) of that
383 section is republished, to read:

384 787.29 Human trafficking public awareness signs.—

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

389 1. ~~(a)~~ A strip club or other adult entertainment
390 establishment.

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

395 (b) The county commission may adopt an ordinance to enforce
396 this subsection. A violation of this subsection is a noncriminal
397 violation and punishable by a fine only as provided in s.
398 775.083.

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

403
404 "If you or someone you know is being forced to engage
405 in an activity and cannot leave—whether it is
406 prostitution, housework, farm work, factory work,

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407 retail work, restaurant work, or any other activity—
408 call the National Human Trafficking Resource Center at
409 1-888-373-7888 or text INFO or HELP to 233-733 to
410 access help and services. Victims of slavery and human
411 trafficking are protected under United States and
412 Florida law.”

413

414 ~~(5) The county commission may adopt an ordinance to enforce~~
415 ~~subsection (3). A violation of subsection (3) is a noncriminal~~
416 ~~violation and punishable by a fine only as provided in s.~~
417 ~~775.083.~~

418 Section 8. This act shall take effect July 1, 2023.