

20231690e1

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 Services and Resources Committee of the
10 Statewide Council on Human Trafficking to conduct a
11 study and make certain recommendations; requiring the
12 department to provide administrative and staff
13 support; requiring the committee to submit certain
14 reports by specified dates; requiring the committee to
15 survey operators of existing adult safe houses in the
16 state to make specified determinations; providing
17 requirements for the information the committee must
18 obtain and the recommendations it must develop;
19 requiring the department to establish a process to
20 certify adult safe houses that provide housing and
21 care to adult survivors of human trafficking;
22 requiring that adult safe houses be certified by the
23 department after certification rules are adopted;
24 requiring the department to adopt rules; providing
25 application and renewal requirements; requiring the
26 department to inspect adult safe houses before
27 certification and annually thereafter; allowing adult
28 safe houses to provide lists of advocates who are
29 employed or who volunteer at the adult safe house who

20231690e1

30 may claim a privilege under s. 90.5037, F.S.;

31 authorizing the department to take certain

32 disciplinary actions for noncompliance; amending s.

33 409.1678, F.S.; providing requirements for safe houses

34 and safe foster homes; requiring the department to

35 develop or approve educational programming on

36 commercial sexual exploitation; amending s. 409.175,

37 F.S.; requiring specified signage to be placed on the

38 premises of facilities maintained by licensed child-

39 caring agencies; requiring the department to adopt

40 rules; amending s. 509.096, F.S.; reducing the

41 correction period for a public lodging establishment

42 to respond to a violation committed on or after a

43 specified date; prohibiting the Division of Hotels and

44 Restaurants of the Department of Business and

45 Professional Regulation from providing a correction

46 period to a public lodging establishment for a second

47 or subsequent violation committed on or after a

48 specified date; requiring the division to impose the

49 applicable administrative fines for such violations;

50 amending s. 787.29, F.S.; making technical changes;

51 providing an appropriation; providing an effective

52 date.

53

54 Be It Enacted by the Legislature of the State of Florida:

55

56 Section 1. Subsection (8) of section 394.875, Florida

57 Statutes, is amended to read:

58 394.875 Crisis stabilization units, residential treatment

20231690e1

59 facilities, and residential treatment centers for children and
60 adolescents; authorized services; license required.—

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

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

79 Section 2. Section 402.88, Florida Statutes, is created to
80 read:

81 402.88 Adult safe houses.—

82 (1) As used in this section, the term:

83 (a) "Adult safe house" means a group residential facility
84 that provides housing and care specifically for adult survivors
85 of human trafficking.

86 (b) "Adult survivor of human trafficking" or "survivor"
87 means an individual who has reached the age of 18 and who has

20231690e1

88 been subjected to human trafficking as defined in s. 787.06.

89 (c) "Department" means the Department of Children and
90 Families.

91 (2) The Services and Resources Committee of the Statewide
92 Council on Human Trafficking established under s. 16.617 shall
93 conduct a study and make recommendations regarding the
94 regulation of adult safe houses, as provided in this section.

95 (a) The department shall provide administrative and staff
96 support to the committee in meeting the requirements of this
97 section.

98 (b) The committee shall submit an interim report regarding
99 its activities and findings by October 1, 2023, to the Governor,
100 the President of the Senate, and the Speaker of the House of
101 Representatives. The committee shall submit a final report
102 addressing all requirements of this subsection by December 31,
103 2023, to the Governor, the President of the Senate, and the
104 Speaker of the House of Representatives.

105 (3) The committee shall survey operators of existing adult
106 safe houses in the state to determine the following information
107 regarding their operation. The information may be obtained and
108 presented on a categorical or high-level basis, as appropriate.

109 (a) The number of adult safe houses in Florida and the
110 regions of the state where they are located.

111 (b) The number of beds in adult safe houses and number of
112 individuals served per year.

113 (c) The policies and criteria regarding which adult
114 survivors of human trafficking may be served and the processes
115 for intake and discharge, such as for how referrals are
116 received.

20231690e1

117 (d) The amount of revenues supporting adult safe house
118 operation and the sources of such funds, including, but not
119 limited to, the amount of state and federal funds received and
120 the specific source of such state and federal funds.

121 (e) Services and supports provided to adult survivors of
122 human trafficking directly by the adult safe house and services
123 to which residents are referred, including while they are
124 residing in the adult safe house and after transitioning out of
125 the adult safe house.

126 (f) Training requirements for staff and volunteers.

127 (g) The nature of and mechanisms for coordination with law
128 enforcement.

129 (h) Whether the adult safe houses allow children of adult
130 survivors of human trafficking to also reside in the houses, and
131 if so, policies regarding their residence in the house and
132 services directly provided to them or to which they may be
133 referred.

134 (i) Policies of adult safe houses that ensure that adult
135 survivors of human trafficking are served in a respectful and
136 trauma-informed manner.

137 (j) Challenges faced by adult safe houses in providing a
138 safe and therapeutic environment that is trauma-informed and in
139 providing services to residents and their children.

140 (k) Any accreditations held by adult safe houses, external
141 standards promulgated by outside bodies which houses meet, or
142 other industry certifications held by adult safe houses.

143 (l) Identification of ineffective or problematic practices
144 in existing adult safe houses in the state and recommendations
145 regarding minimum standards for regulation.

20231690e1

146 (4) As part of the study, the committee shall also:

147 (a) Identify and review standards recommended by national
148 organizations or experts specializing in adult safe house
149 service provision or shelter or housing for adult survivors of
150 human trafficking.

151 (b) Obtain recommendations from adult survivors of human
152 trafficking and law enforcement agencies regarding regulation of
153 adult safe houses.

154 (5) The committee shall develop recommendations for
155 regulation of adult safe houses in Florida based on, at a
156 minimum, the information obtained by the committee under this
157 section.

158 (6) After December 31, 2023, the department shall initiate
159 rulemaking and adopt rules establishing minimum standards for
160 certification of adult safe houses to ensure that they provide a
161 safe and therapeutic environment and operate in a survivor-
162 centered and trauma-informed manner. After rules are adopted to
163 certify adult safe houses, only adult safe houses certified by
164 the department may provide group residential housing and care
165 specifically for adult survivors of human trafficking. Adult
166 safe houses in operation as of the date that rules initially
167 adopted under this section become effective shall have 6 months
168 from such date to become certified.

169 (a) The department shall adopt rules for the operation of
170 adult safe houses, including standards for, at a minimum, the
171 following:

172 1. Safe and therapeutic environments to receive and house
173 adult survivors of human trafficking.

174 2. Appropriate security.

20231690e1

175 3. Coordination with local law enforcement agencies.

176 4. Safe and appropriate sheltering of minor children and
177 other dependents of an adult survivor of human trafficking.

178 5. Operations based on trauma-informed and survivor-
179 centered principles.

180 6. Trauma-informed, survivor-centered services that must,
181 at a minimum, be provided, and other services that may be
182 provided or to which adult survivors of human trafficking may be
183 referred.

184 7. Appropriate training, background screening, and
185 compliance with policies and procedures by owners, directors,
186 board members, personnel, and volunteers of the adult safe
187 house, as applicable.

188 (b) The department shall require complete applications for
189 certification and for recertification, which must be renewed
190 every 2 years, using forms furnished by the department, and
191 provide all required information.

192 (c) The department shall inspect adult safe houses before
193 certification and at least annually thereafter to ensure
194 compliance with the requirements of this section.

195 (d) An adult safe house may provide to the department a
196 list of the names of the human trafficking advocates who are
197 employed or who volunteer at the adult safe house who may claim
198 a privilege under s. 90.5037 to refuse to disclose a
199 confidential communication between a victim of human trafficking
200 and the advocate regarding the human trafficking inflicted upon
201 the adult survivor of human trafficking. If a list is filed, the
202 list must include the title of the position held by the advocate
203 whose name is listed and a description of the duties of that

20231690e1

204 position. An adult safe house shall file amendments to this list
205 as necessary.

206 (e) If the department finds failure by an adult safe house
207 to comply with the requirements established in or rules adopted
208 under this section, the department may subject the adult safe
209 house to disciplinary action, including, but not limited to,
210 requiring a corrective action plan, imposing administrative
211 finances, or denying, suspending, or revoking the certification of
212 the adult safe house.

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

215 409.1678 Specialized residential options for children who
216 are victims of commercial sexual exploitation.—

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

218 (c) To be certified, a safe house must hold a license as a
219 residential child-caring agency, as defined in s. 409.175, and a
220 safe foster home must hold a license as a family foster home, as
221 defined in s. 409.175. A safe house or safe foster home must
222 also:

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

225 2. Serve exclusively one sex.

226 3. Group child victims of commercial sexual exploitation by
227 age or maturity level.

228 4. Care for child victims of commercial sexual exploitation
229 in a manner that separates those children from children with
230 other needs. Safe houses and safe foster homes may care for
231 other populations if the children who have not experienced
232 commercial sexual exploitation do not interact with children who

20231690e1

233 have experienced commercial sexual exploitation.

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

236 6.a. Provide appropriate security through facility design,
237 hardware, technology, staffing, and siting, including, but not
238 limited to, external video monitoring or door exit alarms, a
239 high staff-to-client ratio, or being situated in a remote
240 location that is isolated from major transportation centers and
241 common trafficking areas.

242 b. If a safe house, appropriate security must provide for,
243 at a minimum, the detection of possible trafficking activity
244 around a facility, coordination with law enforcement, and be
245 part of the emergency response to search for absent or missing
246 children. For a safe house to be in compliance with providing
247 appropriate security under this subparagraph, the safe house
248 must either:

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

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

254 7. If a safe house, conspicuously place signs on the
255 premises to warn children of the dangers of human trafficking
256 and to encourage the reporting of individuals observed
257 attempting to engage in human trafficking activity. The signs
258 must advise children to report concerns to the local law
259 enforcement agency or the Department of Law Enforcement,
260 specifying the appropriate telephone numbers used for such
261 reports. The department shall specify, at a minimum, the content

20231690e1

262 of the signs by rule.

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

266 (d) Safe houses and safe foster homes shall provide
267 services tailored to the needs of child victims of commercial
268 sexual exploitation and shall conduct a comprehensive assessment
269 of the service needs of each resident. In addition to the
270 services required to be provided by residential child caring
271 agencies and family foster homes, safe houses and safe foster
272 homes must provide, arrange for, or coordinate, at a minimum,
273 the following services:

274 1. Victim-witness counseling.

275 2. Family counseling.

276 3. Behavioral health care.

277 4. Treatment and intervention for sexual assault.

278 5. Education tailored to the child's individual needs,
279 including remedial education if necessary.

280 6. Life skills and workforce training.

281 7. Mentoring by a survivor of commercial sexual
282 exploitation, if available and appropriate for the child.

283 8. Substance abuse screening and, when necessary, access to
284 treatment.

285 9. Planning services for the successful transition of each
286 child back to the community.

287 10. Activities structured in a manner that provides child
288 victims of commercial sexual exploitation with a full schedule.

289 11. Deliver age-appropriate programming to educate children
290 regarding the signs and dangers of commercial sexual

20231690e1

291 exploitation and how to report commercial sexual exploitation.
292 The department shall develop or approve such programming.

293 Section 4. Paragraph (b) of subsection (5) of section
294 409.175, Florida Statutes, is amended to read:

295 409.175 Licensure of family foster homes, residential
296 child-caring agencies, and child-placing agencies; public
297 records exemption.—

298 (5) The department shall adopt and amend rules for the
299 levels of licensed care associated with the licensure of family
300 foster homes, residential child-caring agencies, and child-
301 placing agencies. The rules may include criteria to approve
302 waivers to licensing requirements when applying for a child-
303 specific license.

304 (b) The requirements for licensure and operation of family
305 foster homes, residential child-caring agencies, and child-
306 placing agencies shall include:

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

310 2. The provision of food, clothing, educational
311 opportunities, services, equipment, and individual supplies to
312 assure the healthy physical, emotional, and mental development
313 of the children served.

314 3. The appropriateness, safety, cleanliness, and general
315 adequacy of the premises, including fire prevention and health
316 standards, to provide for the physical comfort, care, and well-
317 being of the children served.

318 4. The ratio of staff to children required to provide
319 adequate care and supervision of the children served and, in the

20231690e1

320 case of family foster homes, the maximum number of children in
321 the home.

322 5. The good moral character based upon screening,
323 education, training, and experience requirements for personnel
324 and family foster homes.

325 6. The department may grant exemptions from
326 disqualification from working with children or the
327 developmentally disabled as provided in s. 435.07.

328 7. The provision of preservice and inservice training for
329 all foster parents and agency staff.

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

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

335 10. The provision for parental involvement to encourage
336 preservation and strengthening of a child's relationship with
337 the family.

338 11. The transportation safety of children served.

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

341 13. Provisions to safeguard the legal rights of children
342 served.

343 14. Requiring signs to be conspicuously placed on the
344 premises of facilities maintained by child-caring agencies to
345 warn children of the dangers of human trafficking and to
346 encourage the reporting of individuals observed attempting to
347 engage in human trafficking activity. The signs must advise
348 children to report concerns to the local law enforcement agency

20231690e1

349 or the Department of Law Enforcement, specifying the appropriate
350 telephone numbers used for such reports. The department shall
351 specify, at a minimum, the content of the signs by rule.

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

354 509.096 Human trafficking awareness training and policies
355 for employees of public lodging establishments; enforcement.—

356 (3) For a violation committed on or after July 1, 2023, the
357 division shall impose an administrative fine of \$2,000 per day
358 on a public lodging establishment that is not in compliance with
359 this section and remit the fines to the direct-support
360 organization established under s. 16.618, unless the division
361 receives adequate written documentation from the public lodging
362 establishment which provides assurance that each deficiency will
363 be corrected within 45 ~~90~~ days after the division provided the
364 public lodging establishment with notice of its violation. For a
365 second or subsequent violation of this subsection committed on
366 or after July 1, 2023, the division may not provide a correction
367 period to a public lodging establishment and must impose the
368 applicable administrative fines.

369 Section 6. Subsections (3) and (5) of section 787.29,
370 Florida Statutes, are amended, and subsection (4) of that
371 section is republished, to read:

372 787.29 Human trafficking public awareness signs.—

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

377 1. ~~(a)~~ A strip club or other adult entertainment

20231690e1

378 establishment.

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

383 (b) The county commission may adopt an ordinance to enforce
384 this subsection. A violation of this subsection is a noncriminal
385 violation and punishable by a fine only as provided in s.
386 775.083.

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

391
392 "If you or someone you know is being forced to engage
393 in an activity and cannot leave—whether it is
394 prostitution, housework, farm work, factory work,
395 retail work, restaurant work, or any other activity—
396 call the National Human Trafficking Resource Center at
397 1-888-373-7888 or text INFO or HELP to 233-733 to
398 access help and services. Victims of slavery and human
399 trafficking are protected under United States and
400 Florida law."

401
402 ~~(5) The county commission may adopt an ordinance to enforce~~
403 ~~subsection (3). A violation of subsection (3) is a noncriminal~~
404 ~~violation and punishable by a fine only as provided in s.~~
405 ~~775.083.~~

406 Section 7. For the 2023-2024 fiscal year, the sums of

20231690e1

407 \$75,000 in recurring funds and \$388,000 in nonrecurring funds
408 from the Administrative Trust Fund within the Department of
409 Children and Families are appropriated to the Department of
410 Children and Families for technology enhancements required to
411 implement this act.

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