

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1432

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Book

SUBJECT: Commercial Sexual Exploitation of Children

DATE: February 26, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	Fav/CS
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	Favorable
3.	<u>Rao</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1432 requires the Department of Children and Families (department) to provide the Legislature with individual-level data for commercial sexual exploitation of children (CSEC) victims who are assessed for a safe harbor placement in an extractable format that allows for aggregation and analysis. Additionally, the bill requires the department to include the individual-level data in its annual report to the Legislature.

The bill will have an indeterminate, but likely insignificant, negative fiscal impact on state government. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

The Department of Children and Families

The Legislature recognizes the need for specialized care and services for children who are victims of commercial sexual exploitation.¹ Commercial sexual exploitation of children (CSEC)

¹ Section 39.001(5), F.S.

is defined as the use of any person under the age of 18 years for sexual purposes in exchange for or the promise of money, goods, or services.²

When the Department of Children and Families (department) receives a report of human trafficking to the Child Abuse Hotline, the department investigates the report. If commercial sexual trafficking is suspected or verified, the department and community-based care agencies conduct a multidisciplinary staffing on the case.³ The staffing includes local experts in child protection, child welfare, medical professionals, and law enforcement to assess the needs of the child and determine if the victim needs placement in a “safe house” or “safe foster home.”⁴ Multidisciplinary staffing teams are also charged with assessing the local services available for victims of commercial sexual exploitation.⁵

Commercial Sexual Exploitation of Children

It is difficult to obtain an accurate count of commercially sexually exploited children because these victims are not readily identifiable.⁶ CSEC 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.⁷

In 2022, the department verified 354 victims of commercial sexual exploitation from 3,408 reports.⁸ Of the reports referred for investigation, most came from the Department of Juvenile Justice, the Department of Corrections, or criminal justice personnel and law enforcement.⁹ Of the 354 verified commercially sexually exploited children, 25 percent were in out-of-home care.¹⁰

Safe Houses and Safe Foster Homes

Current law defines and provides for the certification of specialized residential options for CSEC victims.¹¹ The law defines a “safe foster home” to mean a foster home certified by the department to care for sexually exploited children and a “safe house” to mean a group residential

² Section 409.016, F.S.

³ Section 409.1754, F.S.

⁴ *Id.*

⁵ *Id.*

⁶ The Office of Program Policy Analysis and Government Accountability, *Annual Report on the Commercial Sexual Exploitation of Children in Florida, 2016*, p. 2, available at: <https://oppaga.fl.gov/Products/ReportDetail?rn=16-04> (last visited 1/24/24).

⁷ 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 1/25/24).

⁸ The Office of Program Policy Analysis and Government Accountability, *Annual Report on the Commercial Sexual Exploitation of Children in Florida 2023*, available at: <https://oppaga.fl.gov/Products/ReportDetail?rn=23-08> (last visited 1/25/24).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *See* Section 409.1678, F.S.

placement certified by the department to care for sexually exploited children.¹² To be certified, a safe house or safe foster home must:

- Use strength-based and trauma-informed approaches to care, to the extent possible and appropriate.
- Serve exclusively one sex.
- Group CSEC victims by age or maturity level.
- Care for CSEC victims 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,¹³ including personnel qualifications, staffing ratios, and types of services offered.¹⁴

Safe Harbor Placement

If a dependent child age 6 years or older is suspected of being or has been found to be a victim of commercial sexual exploitation, the department is required to determine the child's need for services and need for placement in a safe house or safe foster home.¹⁵

Current law requires the department to annually report to the Legislature the following information about the prevalence of CSEC:¹⁶

- The specialized services provided and placement of victims of CSE;
- The local service capacity to meet the specialized needs of CSE victims;
- The placement of children in safe houses and safe foster homes during the year, including the criteria used to determine the child's placement;
- The number of children who were evaluated for placement;
- The number of children who were placed in safe houses or safe foster homes based upon the evaluation;
- The number of children who were not placed; and
- The department's response to the findings and recommendations made by the Office of Program Policy Analysis and Government Accountability in its annual study on CSE.

The department is also required to maintain data specifying the number of CSEC victims placed in a safe foster house or safe foster home, the number of CSEC victims who were referred for placement in a safe harbor setting but none was available, and the counties in which the safe harbor placements were unavailable.¹⁷

¹² Section 409.1678(1), F.S.

¹³ Rule 65C-46.020, F.A.C.

¹⁴ Section 409.1678(2)(c), F.S.

¹⁵ Section 39.524, F.S.

¹⁶ Section 39.524(3), F.S.

¹⁷ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 39.524, F.S., to change the term “child commercial sexual exploitation” to the more commonly used “commercial sexual exploitation of children.” This change aligns terminology between chs. 39 and 409, F.S.

The bill requires the Department of Children and Families (department) to include redacted supporting assessments that include anonymized individual-level data for children who are assessed for placement in safe houses and safe foster homes in its annual report to the Legislature.

The bill also requires the department to provide the Legislature with individual-level data for children assessed for placement in safe houses or safe foster homes in an extractable format that allows for aggregation and analysis upon the request of the Legislature.

Section 2 provides that the bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is an indeterminate, but likely insignificant, negative fiscal impact on the Department of Children and Families due to the increased requirement to maintain anonymized individual-level data for children assessed for placement in safe harbor homes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 39.524 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 30, 2024:

This CS requires supporting assessments for victims of CSE that are placed in safe harbor placements to be redacted and contain anonymized individual-level data.

B. Amendments:

None.