

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.; providing
9 definitions; requiring a committee of the Statewide
10 Council on Human Trafficking to conduct a study;
11 specifying requirements for the study; authorizing
12 rulemaking; providing application and renewal
13 requirements; allowing adult safe houses to provide
14 lists of advocates who are employed or who volunteer
15 at the adult safe house who may claim a privilege
16 under s. 90.5037; requiring the department to inspect
17 adult safe houses before certification and annually
18 thereafter; authorizing the department to take certain
19 actions for noncompliance; requiring the department to
20 establish a process to certify adult safe houses that
21 provide housing and care to adult survivors of human
22 trafficking; providing certification requirements;
23 authorizing rulemaking; requiring the department to
24 ensure that the staff of each adult safe house
25 completes specified intensive training; authorizing

26 | the department to take certain actions for
 27 | noncompliance; amending s. 509.096, F.S.; reducing the
 28 | time to correct a violation; requiring the Department
 29 | of Business and Professional Regulation to impose a
 30 | penalty for subsequent violations by public lodging
 31 | establishments; amending s. 409.1678, F.S.; providing
 32 | requirements for safe houses and safe foster homes;
 33 | requiring the department to develop or approve certain
 34 | educational programming on commercial sexual
 35 | exploitation; amending s. 409.175, F.S.; requiring
 36 | specified signage to be placed on the premises of
 37 | facilities maintained by licensed child-caring
 38 | agencies; requiring the department to adopt rules;
 39 | amending s. 787.29, F.S.; making technical changes;
 40 | providing appropriations; providing an effective date.

41 |

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

43 |

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

46 | 394.875 Crisis stabilization units, residential treatment
 47 | facilities, and residential treatment centers for children and
 48 | adolescents; authorized services; license required.—

49 | (8) (a) The department, in consultation with the agency,
 50 | must adopt rules governing a residential treatment center for

51 children and adolescents which specify licensure standards for:
52 admission; length of stay; program and staffing; discharge and
53 discharge planning; treatment planning; seclusion, restraints,
54 and time-out; rights of patients under s. 394.459; use of
55 psychotropic medications; and standards for the operation of
56 such centers.

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

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

69 402.88 Adult safe houses.—

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

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

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

76 | been subjected to human trafficking as defined in s. 787.06.

77 | (2)(a) The Services and Resources Committee of the
 78 | Statewide Council on Human Trafficking established under s.
 79 | 16.617 shall conduct a study and make recommendations regarding
 80 | the regulation of adult safe houses, as provided in this
 81 | subsection.

82 | 1. The Department of Children and Families shall provide
 83 | administrative and staff support to the committee in meeting the
 84 | requirements of this subsection.

85 | 2. The committee shall submit an interim report regarding
 86 | its activities and findings by October 1, 2023, to the Governor,
 87 | the President of the Senate, and the Speaker of the House of
 88 | Representatives. The committee shall submit a final report
 89 | addressing all requirements of this subsection by December 31,
 90 | 2023, to the Governor, the President of the Senate, and the
 91 | Speaker of the House of Representatives.

92 | (b) The committee shall survey operators of existing adult
 93 | safe houses in the state to determine the following information
 94 | regarding their operation. The information may be obtained and
 95 | presented on a categorical or high-level basis, as appropriate.

96 | 1. The number of adult safe houses in the state and the
 97 | regions of the state in which such safe houses are located.

98 | 2. The number of beds in adult safe houses and number of
 99 | survivors served per year.

100 | 3. The policies and criteria regarding which adult

101 survivors of human trafficking may be served and the processes
102 for intake and discharge, including how referrals are received.

103 4. The amount of revenues supporting adult safe house
104 operation and the sources of such funds, including, but not
105 limited to, the amount of state and federal funds received and
106 the specific source of such state and federal funds.

107 5. Services and supports provided to adult survivors of
108 human trafficking directly by the adult safe house and services
109 to which survivors are referred, including while survivors are
110 residing in the adult safe house and after survivors transition
111 out of the adult safe house.

112 6. Training requirements for staff and volunteers.

113 7. The nature of and mechanisms for coordination with law
114 enforcement.

115 8. Whether the adult safe houses allow children of adult
116 survivors of human trafficking to also reside in the houses and,
117 if so, policies regarding children residing in the house and
118 services directly provided to the children or to which the
119 children may be referred.

120 9. Policies of adult safe houses that ensure that adult
121 survivors of human trafficking are served in a respectful and
122 trauma-informed manner.

123 10. Challenges faced by adult safe houses in providing a
124 safe and therapeutic environment that is trauma-informed and in
125 providing services to survivors and their children.

126 11. Any accreditations held by adult safe houses, external
127 standards promulgated by outside bodies that houses meet, or
128 other industry certifications held by adult safe houses.

129 12. Identification of ineffective or problematic practices
130 in existing adult safe houses in the state and recommendations
131 regarding minimum standards for regulation.

132 (c) As part of the study, the committee shall also:

133 1. Identify and review standards recommended by national
134 organizations or experts specializing in adult safe house
135 service provision or shelter or housing for adult survivors of
136 human trafficking.

137 2. Obtain recommendations from adult survivors of human
138 trafficking and law enforcement agencies regarding regulation of
139 adult safe houses.

140 (d) The committee shall develop recommendations for
141 regulation of adult safe houses in the state based on, at least,
142 the information obtained by the committee under this section.

143 (3) After December 31, 2023, the department shall initiate
144 rulemaking and adopt rules establishing minimum standards for
145 certification of adult safe houses to ensure that such safe
146 houses provide a safe and therapeutic environment and operate in
147 a survivor-centered and trauma-informed manner. After rules are
148 adopted to certify adult safe houses, only adult safe houses
149 certified by the department may provide group residential
150 housing and care specifically for adult survivors of human

151 trafficking. Adult safe houses in operation as of the date that
152 rules initially adopted under this section become effective
153 shall have 6 months after such date to become certified.

154 (a) The department shall adopt rules for the operation of
155 adult safe houses, including standards for, at a minimum, the
156 following:

157 1. Safe and therapeutic environments to receive and house
158 adult survivors of human trafficking.

159 2. Appropriate security.

160 3. Coordination with local law enforcement agencies.

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

163 5. Operations based on trauma-informed and survivor-
164 centered principles.

165 6. Trauma-informed, survivor-centered services that must
166 be provided, and other services that may be provided or to which
167 adult survivors of human trafficking may be referred.

168 7. Appropriate training, background screening, and
169 compliance with policies and procedures, by owners, directors,
170 board members, personnel, and volunteers of the adult safe
171 house, as applicable.

172 (b) The department shall require complete applications for
173 certification and for recertification, which must be renewed
174 every 2 years, using forms furnished by the department, and
175 provide all required information.

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

179 (d) An adult safe house may provide to the department a
 180 list of the names of the human trafficking advocates who are
 181 employed or who volunteer at the adult safe house who may claim
 182 a privilege under s. 90.5037 to refuse to disclose a
 183 confidential communication between a victim of human trafficking
 184 and the advocate regarding the human trafficking inflicted upon
 185 the adult survivor of human trafficking. If a list is filed, the
 186 list must include the title of the position held by the advocate
 187 whose name is listed and a description of the duties of that
 188 position. An adult safe house shall file amendments to this list
 189 as necessary.

190 (e) If the department finds failure by an adult safe house
 191 to comply with the requirements established in or rules adopted
 192 under this section, the department may subject the adult safe
 193 house to disciplinary action, including, but not limited to,
 194 requiring a corrective action plan, imposing administrative
 195 finances, or denying, suspending, or revoking the certification of
 196 the adult safe house.

197 Section 3. Subsection (3) of section 509.096, Florida
 198 Statutes, is amended to read:

199 509.096 Human trafficking awareness training and policies
 200 for employees of public lodging establishments; enforcement.—

201 (3) For a violation committed on or after July 1, 2023,
 202 the division shall impose an administrative fine of \$2,000 per
 203 day on a public lodging establishment that is not in compliance
 204 with this section and remit the fines to the direct-support
 205 organization established under s. 16.618, unless the division
 206 receives adequate written documentation from the public lodging
 207 establishment which provides assurance that each deficiency will
 208 be corrected within ~~45~~90 days after the division provided the
 209 public lodging establishment with notice of its violation. For a
 210 second or subsequent violation of the section committed on or
 211 after July 1, 2023, the division may not provide a correction
 212 period to a public lodging establishment and must impose the
 213 applicable administrative fines.

214 Section 4. Paragraphs (c) and (d) of subsection (2) and
 215 paragraph (a) of subsection (3) of section 409.1678, Florida
 216 Statutes, are amended to read:

217 409.1678 Specialized residential options for children who
 218 are victims of commercial sexual exploitation.—

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

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

225 1. Use strength-based and trauma-informed approaches to

226 care, to the extent possible and appropriate.

227 2. Serve exclusively one sex.

228 3. Group child victims of commercial sexual exploitation
229 by age or maturity level.

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

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

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

245 b. If a safe house, provide appropriate security that
246 includes, at a minimum, the detection of possible trafficking
247 activity around the facility, an emergency response to search
248 for absent or missing children, and coordination with law
249 enforcement through either:

250 (I) At least one individual who is an employee or

251 contractor of the safe house who has law enforcement,
 252 investigative, or other similar training, as established by rule
 253 by the department; or

254 (II) A memorandum of understanding or a contract with a
 255 law enforcement agency for these functions.

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

265 8.7. Meet other criteria established by department rule,
 266 which may include, but are not limited to, personnel
 267 qualifications, staffing ratios, and types of services offered.

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

- 276 1. Victim-witness counseling.
- 277 2. Family counseling.
- 278 3. Behavioral health care.
- 279 4. Treatment and intervention for sexual assault.
- 280 5. Education tailored to the child's individual needs,
- 281 including remedial education if necessary.
- 282 6. Life skills and workforce training.
- 283 7. Mentoring by a survivor of commercial sexual
- 284 exploitation, if available and appropriate for the child.
- 285 8. Substance abuse screening and, when necessary, access
- 286 to treatment.
- 287 9. Planning services for the successful transition of each
- 288 child back to the community.
- 289 10. Activities structured in a manner that provides child
- 290 victims of commercial sexual exploitation with a full schedule.
- 291 11. Age-appropriate programming to educate children
- 292 regarding the signs and dangers of commercial sexual
- 293 exploitation and how to report commercial sexual exploitation.
- 294 The department shall develop or approve such programming.
- 295 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
- 296 HOSPITAL.—Residential treatment centers licensed under s.
- 297 394.875, and hospitals licensed under chapter 395 that provide
- 298 residential mental health treatment, shall provide specialized
- 299 treatment for commercially sexually exploited children in the
- 300 custody of the department who are placed in these facilities

301 pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

302 (a) The specialized treatment must meet the requirements
303 of subparagraphs (2)(c)1., 3., 6., and 8. ~~7.~~, paragraph (2)(d),
304 and the department's treatment standards adopted pursuant to
305 this section. However, a residential treatment center or
306 hospital may prioritize the delivery of certain services among
307 those required under paragraph (2)(d) to meet the specific
308 treatment needs of the child.

309 Section 5. Paragraph (b) of subsection (5) of section
310 409.175, Florida Statutes, is amended to read:

311 409.175 Licensure of family foster homes, residential
312 child-caring agencies, and child-placing agencies; public
313 records exemption.—

314 (5) The department shall adopt and amend rules for the
315 levels of licensed care associated with the licensure of family
316 foster homes, residential child-caring agencies, and child-
317 placing agencies. The rules may include criteria to approve
318 waivers to licensing requirements when applying for a child-
319 specific license.

320 (b) The requirements for licensure and operation of family
321 foster homes, residential child-caring agencies, and child-
322 placing agencies shall include:

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

326 2. The provision of food, clothing, educational
327 opportunities, services, equipment, and individual supplies to
328 assure the healthy physical, emotional, and mental development
329 of the children served.

330 3. The appropriateness, safety, cleanliness, and general
331 adequacy of the premises, including fire prevention and health
332 standards, to provide for the physical comfort, care, and well-
333 being of the children served.

334 4. The ratio of staff to children required to provide
335 adequate care and supervision of the children served and, in the
336 case of family foster homes, the maximum number of children in
337 the home.

338 5. The good moral character based upon screening,
339 education, training, and experience requirements for personnel
340 and family foster homes.

341 6. The department may grant exemptions from
342 disqualification from working with children or the
343 developmentally disabled as provided in s. 435.07.

344 7. The provision of preservice and inservice training for
345 all foster parents and agency staff.

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

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

351 10. The provision for parental involvement to encourage
 352 preservation and strengthening of a child's relationship with
 353 the family.

354 11. The transportation safety of children served.

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

357 13. Provisions to safeguard the legal rights of children
 358 served.

359 14. Requiring signs to be conspicuously placed on the
 360 premises of facilities maintained by child-caring agencies to
 361 warn children of the dangers of human trafficking and to
 362 encourage the reporting of individuals observed attempting to
 363 engage in human trafficking activity. The signs must advise
 364 children to report concerns to the local law enforcement agency
 365 or the Department of Law Enforcement, specifying the appropriate
 366 telephone numbers used for such reports. The department shall
 367 specify, at a minimum, the content of the signs by rule.

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

371 787.29 Human trafficking public awareness signs.—

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

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

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

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

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

390
391 "If you or someone you know is being forced to engage
392 in an activity and cannot leave—whether it is
393 prostitution, housework, farm work, factory work,
394 retail work, restaurant work, or any other activity—
395 call the National Human Trafficking Resource Center at
396 1-888-373-7888 or text INFO or HELP to 233-733 to
397 access help and services. Victims of slavery and human
398 trafficking are protected under United States and
399 Florida law."
400

CS/CS/CS/HB 1557

2023

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

405 Section 7. For the 2023-2024 fiscal year, the sum of
406 \$75,000 in recurring funds from the Administrative Trust Fund
407 within the Department of Children and Families and \$388,000 in
408 nonrecurring funds from the Administrative Trust Fund are
409 appropriated to the Department of Children and Families for
410 technology enhancements to implement this act.

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