

CHAPTER 2023-85

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1690

An act relating to sexual exploitation and human trafficking; amending s. 394.875, F.S.; requiring residential treatment centers for children and adolescents to place specified signage; requiring the Department of Children and Families, in consultation with the Agency for Health Care Administration, to adopt rules; creating s. 402.88, F.S.; defining terms; requiring the Services and Resources Committee of the Statewide Council on Human Trafficking to conduct a study and make certain recommendations; requiring the department to provide administrative and staff support; requiring the committee to submit certain reports by specified dates; requiring the committee to survey operators of existing adult safe houses in the state to make specified determinations; providing requirements for the information the committee must obtain and the recommendations it must develop; requiring the department to establish a process to certify adult safe houses that provide housing and care to adult survivors of human trafficking; requiring that adult safe houses be certified by the department after certification rules are adopted; requiring the department to adopt rules; providing application and renewal requirements; requiring the department to inspect adult safe houses before certification and annually thereafter; allowing adult safe houses to provide lists of advocates who are employed or who volunteer at the adult safe house who may claim a privilege under s. 90.5037, F.S.; authorizing the department to take certain disciplinary actions for noncompliance; amending s. 409.1678, F.S.; providing requirements for safe houses and safe foster homes; requiring the department to develop or approve educational programming on commercial sexual exploitation; amending s. 409.175, F.S.; requiring specified signage to be placed on the premises of facilities maintained by licensed child-caring agencies; requiring the department to adopt rules; amending s. 509.096, F.S.; reducing the correction period for a public lodging establishment to respond to a violation committed on or after a specified date; prohibiting the Division of Hotels and Restaurants of the Department of Business and Professional Regulation from providing a correction period to a public lodging establishment for a second or subsequent violation committed on or after a specified date; requiring the division to impose the applicable administrative fines for such violations; amending s. 787.29, F.S.; making technical changes; providing an appropriation; providing an effective date.

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

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

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

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

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

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

402.88 Adult safe houses.—

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

(a) “Adult safe house” means a group residential facility that provides housing and care specifically for adult survivors of human trafficking.

(b) “Adult survivor of human trafficking” or “survivor” means an individual who has reached the age of 18 and who has been subjected to human trafficking as defined in s. 787.06.

(c) “Department” means the Department of Children and Families.

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

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

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

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

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

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

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

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

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

(f) Training requirements for staff and volunteers.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Appropriate security.

3. Coordination with local law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

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

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

1. Use strength-based and trauma-informed approaches to care, to the extent possible and appropriate.
2. Serve exclusively one sex.
3. Group child victims of commercial sexual exploitation by age or maturity level.
4. Care for child victims of commercial sexual exploitation 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.
5. Have awake staff members on duty 24 hours a day, if a safe house.

6.a. 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.

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

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

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

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

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

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

1. Victim-witness counseling.
2. Family counseling.
3. Behavioral health care.
4. Treatment and intervention for sexual assault.
5. Education tailored to the child's individual needs, including remedial education if necessary.
6. Life skills and workforce training.

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

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

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

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

11. Deliver age-appropriate programming to educate children regarding the signs and dangers of commercial sexual exploitation and how to report commercial sexual exploitation. The department shall develop or approve such programming.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. The transportation safety of children served.

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

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

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

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

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

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

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

787.29 Human trafficking public awareness signs.—

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

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

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

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

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

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

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

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

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

Approved by the Governor May 16, 2023.

Filed in Office Secretary of State May 16, 2023.