

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1383 Human Trafficking

SPONSOR(S): Health & Human Services Committee, Children, Families & Seniors Subcommittee, Nuñez

TIED BILLS: **IDEN./SIM. BILLS:** SB 852

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	12 Y, 0 N, As CS	Langston	Brazzell
2) Health & Human Services Committee	17 Y, 0 N, As CS	Langston	Calamas

SUMMARY ANALYSIS

Human trafficking is a form of modern-day slavery affecting young children, teenagers, and adults who are subjected to force, fraud, or coercion for sexual exploitation or forced labor. An estimated 300,000 children in the United States are at risk for commercial sexual exploitation (CSE).

The Department of Children and Families (DCF) is responsible for the child welfare needs of child human trafficking victims, including child CSE victims. In cases in which a child is alleged, suspected, or known to have been sexually exploited, DCF and community-based care lead agencies conduct multidisciplinary staffing to assess the services available to victims. DCF then provides services to CSE victims found to be dependent, including, in some instances, placing the child in a specialized residential program, such as a safe house or a safe foster home.

CS/CS/HB 1383 defines “commercial sexual exploitation” to mean the use of any person under the age of 18 for sexual purposes in exchange for, or promise of money, goods, or services and substitutes this term for the existing term “sexual exploitation.” The bill also revises procedures for conducting a multidisciplinary staffing for alleged or verified victims of CSE. It requires that the multidisciplinary staffing develop a service plan for all children suspected or verified as CSE victims, not just those who are dependent children. For CSE victims who are not involved in the child welfare system, the bill requires a voluntary service plan to be developed and provided to the family. DCF or the sheriffs’ offices conducting child protective investigations must follow up with all verified CSE victims, not just those who are dependent, within six months to determine if the child received services, if these services assisted the child and his or her family, and whether the child has been victimized again. The bill changes the date of the annual report by DCF on commercial sex trafficking of minors from December 1 to October 1.

The bill adds the crime of human trafficking involving commercial sexual activity to the list of crimes where the defendant’s confession is admissible during specified situations in trial, without the state proving the fact that a crime has actually been committed, and prohibits the court from granting nonmonetary pretrial release at first appearance for human trafficking crimes.

The bill requires nurses to complete a two-hour continuing education course on human trafficking for every biennial licensure renewal on or after January 1, 2019.

The bill will have an insignificant negative fiscal impact on DCF and the six sheriffs’ offices that conduct child protective services through a contract with DCF.

The bill provides an effective date of October 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1383c.HHS

DATE: 4/7/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Human Trafficking

Human trafficking is a form of modern-day slavery affecting young children, teenagers, and adults, who are subjected to force, fraud, or coercion for sexual exploitation or forced labor.¹ In 2004, the Florida Legislature criminalized human trafficking and unlawfully obtaining labor or services.² Florida statute defines “human trafficking” as the “transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person.”³ Under current law, any person who knowingly engages in human trafficking commits a first-degree felony.⁴

Commercial Sexual Exploitation

Commercial sexual exploitation is a form of human trafficking; commercial sex acts include, but are not limited to, prostitution and pornography as a means for the perpetrator to make money.⁵ Both adults and children can be victims of these acts.⁶ The U.S. Department of Justice estimates that as many as 300,000 children in the United States are at risk for commercial sexual exploitation.⁷

In cases of commercial sex trafficking of minors, pimps often operate as the primary domestic sex traffickers and target particularly vulnerable youth, such as runaway and homeless youth.⁸ Pimps may engage in a “grooming” process where a child is showered with gifts, treats, and compliments in order to earn his or her trust.⁹ Often the children have low self-esteem and may come from broken families or have past childhood trauma which may include sexual or physical abuse.¹⁰ This makes the children easier targets because they are emotionally vulnerable, looking for someone to love and care for them. After the pimp earns the child’s trust, the pimp may engage in physical, sexual, and emotional abuse of the child.¹¹ The effect is to psychologically and emotionally break the child so that he or she becomes completely dependent on the pimp.¹² Psychologists and clinicians call this phenomenon “traumatic bonding.”¹³ This occurs where a person has dysfunctional attachment that occurs in the presence of danger, shame, or exploitation. These situations often include seduction, deception, or betrayal, and some form of danger or risk is always present.¹⁴ While this is a common way that commercial sexual exploitation occurs, some children are commercially sexually exploited by family members or organized networks.¹⁵

¹ Id.

² S. 787.06, F.S.

³ Id.

⁴ Id.

⁵ The federal Trafficking Victims Protection Act defines “commercial sex act” as any sex act on account of which anything of value is given to or received by any person. 22 U.S.C. s. 7102(4).

⁶ S. 787.06, F.S.

⁷ U.S. Department of Justice, Office of Justice Programs, *OJP Fact Sheet, Fast Facts*, (Dec. 2011), http://ojp.gov/newsroom/factsheets/ojpfs_humantrafficking.html (last visited April 6, 2017).

⁸ The Polaris Project, *Sex Trafficking of Children in the United States*, available at: <http://www.polarisproject.org/what-we-do/policy-advocacy/prosecuting-traffickers/895-sex-trafficking-of-minors> (last visited April 6, 2017).

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

Forced Labor

Forced labor occurs when an individual knowingly provides or obtains the labor or services of a person by means of:

- Force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- Serious harm or threats of serious harm to that person or another person;
- Abuse or threatened abuse of law or legal process; or
- Any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.¹⁶

Forced labor can exist in domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.¹⁷

Florida's Child Welfare System

Chapter 39, F.S., creates Florida's child welfare system that aims to protect children and prevent abuse, abandonment, and neglect.¹⁸ The Department of Children and Families (DCF) Office of Child Welfare works in partnership with local communities and the courts to ensure the safety, timely permanency and well-being of children. DCF's practice model is based on preserving and strengthening the child's family ties whenever possible, removing the child from his or her home only when his or her welfare and safety cannot be adequately safeguarded otherwise.¹⁹

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and exploitation for all children in Florida, including allegations of human trafficking. A child protective investigation begins with a report by any person to the hotline. When a call is received by the hotline, an investigation is opened, with the report of maltreatment being sent out to a child protective investigator (CPI) to investigate. CPIs must respond to all reports accepted by the Florida Abuse Hotline within 24 hours; however, some reports must be responded to as soon as possible but no later than four hours after received.²⁰

CPIs are most commonly DCF employees, but in six counties, the local sheriff performs the investigative function.²¹ The DCF child protective services are delivered through six regional offices, using approximately 1,300 investigators and 300 supervisors.²² The sheriff's offices employ 387 CPIs and 70 supervisors. CPIs assess the immediate and overall safety of children as well as the risk of future maltreatment.²³ When a child is determined to be unsafe, CPIs initially consider the implementation of an in-home safety plan and the initiation of in-home services to protect the child and stabilize the family.²⁴ In the most serious situations, CPIs remove the child from the home and place the child with another parent, relative, or non-relative or in licensed shelter care.²⁵

¹⁶ 18 U.S.C. s. 1589

¹⁷ S. 787.06, F.S.

¹⁸ S. 39.001(8), F.S.

¹⁹ S. 39.001(4), F.S.

²⁰ Rule 65C-30, F.A.C.

²¹ As authorized under s. 39.3065, F.S., and the General Appropriations Act, sheriffs in Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole counties investigate child abuse and neglect reported to the abuse hotline rather than the DCF.

²² Department of Children and Families, *Child Protective Investigator and Child Protective Investigator Supervisor Educational Qualifications, Turnover, and Working Conditions Status Report*, (Oct. 2016), available at, <http://www.dcf.state.fl.us/programs/childwelfare/docs/2016LMRs/CPI%20CPI%20Supv%20Workforce%20Report.pdf> (last visited April 6, 2017).

²³ Id.

²⁴ Id.

²⁵ Id.

When child welfare necessitates that DCF remove a child from his or her home, a series of dependency court proceedings must occur to adjudicate the child dependent and place him or her in out-of-home care; throughout this process, multiple child welfare stakeholders, including case managers, Guardians ad Litem, service providers, and the court monitor a child's well-being and safety.

For children in the child welfare system, DCF must develop a case plan with input from all parties to the dependency case that details the problems being addressed as well as the goals, tasks, services, and responsibilities required to ameliorate the concerns of the state.²⁶ The case plan follows the child from the provision of voluntary services through dependency, or termination of parental rights.²⁷ Once a child is found dependent, a judge reviews the case plan, and if the judge accepts the case plan as drafted, orders the case plan to be followed.²⁸ Section 39.6011, F.S., details the development of the case plan and who must be involved, such as the parent, guardian ad litem, and if appropriate, the child. This section also details what must be in the case plan, such as descriptions of the identified problems, the permanency goal, timelines, and notice requirements.

Child Sexual Exploitation in Florida

It is difficult to obtain an accurate count of commercial sexual exploitation (CSE) victims who are children because these victims are not readily identifiable.²⁹ CSE 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.³⁰

A "sexually exploited child"³¹ is a child who has suffered sexual exploitation as defined in s. 39.01(70)(g), F.S.,³² and is ineligible for relief and benefits under the federal Trafficking Victims Protection Act.³³ For calendar year (CY) 2015, DCF verified 264 child victims of CSE from 1,279 reports alleging CSE made to the hotline.³⁴ CPIs investigated 889 (or 70 percent) of those reports. DCF hotline staff did not refer cases for investigation if the allegation did not rise to the level of reasonable, there were no means to locate the victim, or the alleged perpetrator was not the child's caregiver.³⁵ Of the reports that were referred for investigation, most came from the Department of Juvenile Justice (DJJ), the Department of Corrections, or criminal justice personnel and law enforcement.³⁶ At the time of the DCF investigation, 71 verified CSE children were in out-of-home care, including the care of relatives or in foster homes, residential group care, or residential treatment centers.³⁷

The number of verified CSE cases increased from 170 for the period July 2013 through December 2014 to 264 in CY 2015; however, this increase may have resulted from improvements in DCF data

²⁶ Ss, 39.6011 and 39.6012, F.S.

²⁷ S. 39.01(11), F.S.

²⁸ S. 39.521, F.S.

²⁹ The Florida Legislature Office of Program Policy Analysis & Government Accountability, *Placement Challenges Persist for Child Victims of Commercial Sexual Exploitation; Questions Regarding Effective Interventions and Outcomes Remain*, (Jul. 2016), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1604rpt.pdf> (last visited April 6, 2017).

³⁰ Id.

³¹ S. 409.1678(1)(c), F.S.,

³² S. 39.01(70)(g), F.S., provides the definition for sexual abuse of a child, which includes, sexual exploitation of a child, defined as the act of a child offering to engage in or engaging in prostitution, or the act of allowing, encouraging, or forcing a child to solicit for or engage in prostitution; engage in a sexual performance, as defined by chapter 827; or participate in the trade of human trafficking as provided in s. 787.06(3)(g), F.S.

³³ 22 U.S.C. ss. 7101 et seq. The Act provides services to victims who have been trafficked from foreign countries.

³⁴ Id. To estimate the number of allegations and subsequently verified CSE cases, we relied on DCF's Florida Safe Families Network data on hotline intakes and child protective investigations during CY 2015.

³⁵ Id. The 10% of cases screened out based on caregiver status were screened out in error. For typical child welfare cases, the caregiver must be the alleged perpetrator for the report to be referred for a child protective investigation. DCF recently updated its operating procedures to specify that hotline staff should no longer screen out reports alleging CSE where the alleged perpetrator is not a caregiver.

³⁶ Id.

³⁷ Id.

quality, improved surveillance, or increased public awareness, rather than an increase in human trafficking victims.³⁸

Services for CSE Victims

DCF is responsible for the child welfare needs of human trafficking victims.³⁹ To work toward ensuring that services needed by CSE victims are available in each community, each DCF region and each community-based care lead agency must jointly assess local service capacity to meet the specialized service needs of sexually exploited children and establish a plan to develop the necessary capacity.⁴⁰

In cases in which a child is alleged, suspected, or known to have been sexually exploited, DCF and community-based care lead agencies conduct multidisciplinary staffings in order to begin the process of providing services.⁴¹ The staffing includes local experts in child protection, child welfare, medical professionals, and law enforcement to assess the needs of the child and determine whether the child needs to be placed and served in a specialized residential program, such as a safe house or a safe foster home.⁴²

However, DCF does not track a child's progress, beyond the initial staffing, if the child is not part of the child welfare system. In CY 2015, total of 141 CSE children were not involved in the child welfare system beyond their investigation; as a result, these children were not offered placements or CSE services.⁴³

A safe house is a group residential placement certified by DCF to care for sexually exploited children,⁴⁴ while a safe foster home is a foster home that has been certified by DCF to care for sexually exploited children.⁴⁵ Statute outlines a certification process to ensure that these specialized homes provide the environment and services most conducive to a victim's recovery. To be certified, a safe home or safe foster home must provide certain services, including:

- Victim-witness counseling;
- Family counseling;
- Behavioral health care;
- Treatment and intervention for sexual assault;
- Education tailored to the child's individual needs, including remedial education if necessary;
- Life skills training;
- Mentoring by a survivor of sexual exploitation, if available and appropriate for the child;
- Substance abuse screening and treatment;
- Planning services for successful transition back to the community; and
- Activities structured in a manner that provides child victims of sexual exploitation with a full schedule.⁴⁶

By December 1 of each year, DCF must report to the Legislature on the placement of children in safe houses and safe foster homes, including:

³⁸ Id.

³⁹ S. 409.996, F.S.

⁴⁰ Each region of the Department and each community-based care lead agency must establish local protocols and procedures for working with sexually exploited children which are responsive to the individual circumstances of each child. The protocols and procedures shall take into account the varying types and levels of trauma endured; whether the sexual exploitation is actively occurring, occurred in the past, or is inactive but likely to recur; and the differing community resources and degrees of familial support that are available. Child protective investigators and case managers must use these protocols and procedures when working with a sexually exploited child. S. 409.1754(2), F.S.

⁴¹ S. 409.1754(2), F.S.

⁴² S. 39.524, F.S.

⁴³ *Supra*, note 29.

⁴⁴ S. 409.1678(1)(b), F.S.

⁴⁵ S. 409.1678(1)(a), F.S.

⁴⁶ S. 409.1678(2), F.S.

- The criteria used to determine the placement of children;
- The number of children who were evaluated for placement;
- The number of children who were placed based upon the evaluation; and
- The number of children who were not placed.⁴⁷

In addition, DCF must also report data on the number of children referred to a safe house or safe foster home for whom placement was unavailable, and information about the counties in which such placement was unavailable.

In the most recent report, for federal fiscal year (FFY) 2015-16, four safe houses were available with a total of 20 beds, all serving only females.⁴⁸ Additionally, there were two residential campus settings that have specialized CSE treatment for child victims of commercial sexual exploitation which were able to serve female, male, and transgender children. However, the number of beds available on these campuses fluctuates based on the total number of residents in all programs offered.

There were also 15 safe foster home beds available in one program in Miami-Dade County.⁴⁹ Additionally, there is one safe foster home bed available in the Central Region, which will be able to serve a male, female or transgender child.⁵⁰

All specialized placements, at this time, exist in DCF's Central, Suncoast, Southeast and Southern Regions. No CSE programs exist in that department's Northeast or Northwest Regions.⁵¹

Annual Study of CSE Children

The Office of Program Policy Analysis & Government Accountability (OPPAGA) conducts an annual study on CSE of children in Florida as required by law.⁵² The most recent report found there were 1,279 reports of human trafficking made to the Florida Abuse Hotline in 2015 in comparison to the 170 identified in their 2014 report.⁵³ In their follow-up of CSE victims identified in their 2014 report, OPPAGA found that many had since been re-victimized, involved with the criminal justice system, or only attended school intermittently.⁵⁴

DCF has been working towards identifying appropriate outcomes for CSE child victims and has been doing so through an independent evaluation of one program for CSE children. However, OPPAGA is concerned that the results might not be generalizable to other CSE children.⁵⁵

Shared Hope International

Shared Hope International is a nonprofit organization dedicated to restoring and bringing justice to sex trafficking victims. The organization's Protected Innocence Challenge, a comprehensive study of state laws on child sex trafficking, provides each state with practical recommendations for improvement.⁵⁶ Under the Challenge, the organization creates an annual Report Card grading each state on key

⁴⁷ S. 39.524(3)(a), F.S.

⁴⁸ Florida Department of Children and Families, *Annual Human Trafficking Report 2015-2016 Federal Fiscal Year*, (Dec. 2016), available at, http://www.dcf.state.fl.us/programs/childwelfare/docs/2016LMRs/S16-007444_LMR%20Human%20Trafficking.pdf (last visited April 6, 2017).

⁴⁹ Id.

⁵⁰ Id.

⁵¹ Id.

⁵² S. 409.16791, F.S.

⁵³ *Supra*, note 29.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Shared Hope International, *2016 State Report Cards – Protected Innocence Challenge*, <https://sharedhope.org/what-we-do/bring-justice/reportcards/2016-reportcards/> (last visited April 6, 2017).

legislative components that Shared Hope International believes must be addressed in a state's laws in order to effectively respond to the crime of domestic minor sex trafficking (or CSE):

- Criminalization of domestic minor sex trafficking;
- Criminal provisions addressing demand;
- Criminal provisions for traffickers;
- Protective provisions for the child victims;
- Criminal provisions for facilitators;
- Criminal justice tools for investigation and prosecution.⁵⁷

In 2015, Florida received a grade of "B" and a final score of 86.5 out of 100.⁵⁸ In 2016, Shared Hope International found that Florida improved in the area of protective provisions for child victims, bringing the state up to a score of 94 and a final grade of "A."⁵⁹

Nursing Continuing Education

The Nurse Practice Act, chapter 464, F.S., governs the licensure and regulation of nurses in Florida. The Department of Health (DOH) is the licensing agency and the Board of Nursing (BON) is the regulatory authority. The BON is comprised of 13 members appointed by the Governor and confirmed by the Senate.⁶⁰

Applicants may apply to the DOH to be licensed as a registered nurse (RN) or a licensed practical nurse (LPN). An RN is licensed to practice "professional nursing," and an LPN is licensed to practice "practical nursing."⁶¹ Florida provides two paths to licensure: licensure by examination and licensure by endorsement. To be licensed by examination, an individual must, among other things, successfully complete an approved nursing educational program; and pass a licensure exam.⁶² Licensure by endorsement is the process by which a nurse validly licensed in another state may be licensed in Florida without having to sit for an examination.⁶³

Licenses are renewed biennially.⁶⁴ The BON may require up to 30 hours of continuing education biennially as a condition of licensure renewal; currently the BON requires each RN or LPN to complete 24 hours.⁶⁵ A course in HIV/AIDS is required in the first biennium only and a domestic violence course is required every third biennium.⁶⁶ As a part of the total continuing education hours required, all licensees must complete a two-hour course on preventing medical errors and a two-hour course on Florida laws and rules.⁶⁷ Effective August 1, 2017, all licensees must also complete a two-hour course in recognizing impairment in the workplace.⁶⁸

⁵⁷ Id.

⁵⁸ Shared Hope International, *Florida Report Card 2015*, available at http://sharedhope.org/PICframe5/reportcards/PIC_RC_2015_FL.pdf (last visited April 6, 2017).

⁵⁹ Id.

⁶⁰ S.464.004(1), F.S.

⁶¹ S. 464.003(20), F.S., defines the "practice of professional nursing" as the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principals of psychological, biological, physical, and social sciences. S. 464.003(19), F.S., defines the "practice of practical nursing" as the performance of selected acts, including the administration of treatments and medications, under the direction of a registered nurse, licensed physician, or a licensed dentist, and is responsible and accountable for making decision that are based upon the individual's educational preparation and experience in nursing.

⁶² S.464.008, F.S. For its licensure examination, the DOH uses the National Council Licensure Examination (NCLEX), developed by the National Council of State Boards of Nursing.

⁶³ S. 446.009, F.S..

⁶⁴ S. 464.013, F.S.

⁶⁵ Id.; rule 64B9-5.002, F.A.C. requires one hour of continuing education for each calendar month of the two-year licensure cycle.

⁶⁶ Rule 64B9-5.002, F.A.C.

⁶⁷ Rule 64B9-5.011, F.A.C.

⁶⁸ S. 464.013, F.S., and rule 64B9-5.014, F.A.C.

Effect of Proposed Changes

Commercial Sexual Exploitation

CS/HB 1383 defines “commercial sexual exploitation” as the use of any person under the age of 18 for sexual purposes in exchange for, or promise of money, goods, or services and deletes use of the term “sexually exploited child” in several statutes relating to serving children who are victims of commercial sexual exploitation. Current law uses the term “sexual exploitation,” and “sexually exploited child” relating to sexual abuse. The term “commercial sexual exploitation” emphasizes the fact that sex is exchanged for money, goods, or services. This new term better defines the victims served by DCF, sheriff’s offices conducting child abuse investigations, and community-based care agencies.

Multidisciplinary Staffing

The bill revises procedures for conducting a multidisciplinary staffing for alleged or verified victims of CSE, who are not eligible for relief or benefits under the federal Trafficking Victims Protection Act. The bill requires that the multidisciplinary staffing process include development of a service plan for any child victims suspected or verified as a victim of CSE, not just for dependent children. The bill directs DCF to update the case plan required under ch 39, F.S., for dependent children who are alleged or verified victims of commercial sexual exploitation.

For CSE victims that are not part of the child welfare system, the bill requires DCF or the sheriff’s office to provide a service plan to the victim’s family or legal guardian. Services provided in the service plan must be in the least restrictive environment. The bill identifies types of services that may be included in the service plan, including:

- Emergency shelter and runaway center services;
- Outpatient individual or group counseling for the victim and the victim’s family or legal guardian;
- Substance use disorder treatment services;
- Drop-in centers or mentoring programs;
- Commercial sexual exploitation treatment programs;
- Child advocacy center services pursuant to s. 39.3035;
- Prevention services such as those provided by the Florida Network of Youth and Family Services and the PACE Center for Girls;
- Family foster care;
- Therapeutic foster care;
- Safe houses or safe foster homes;
- Residential treatment programs; and
- Employment or workforce training.

Compliance with the service plan is voluntary for CSE victims who have not been adjudicated dependent and are not part of the child welfare system.

Post-Staffing Follow Up

The bill requires DCF or the sheriff’s office to follow up with all verified victims of commercial sexual exploitation, not just victims who are dependent, within six months to determine:

- Whether a referral was made for the services recommended in the service plan;
- Whether the services were received, and if not, why;
- Whether the services or treatments were completed and if not, why;
- Whether the victim has experienced CSE since the verified report;
- Whether the victim has run away since the verified report;
- The type and number of placements, if applicable;

- The educational status of the child;
- The employment status of the child; and
- Whether the child has been involved in the juvenile or criminal justice system.

Follow up for nondependent victims and their families is voluntary, and neither the victim nor his or her family or legal guardian is required to respond.

Annual Reporting Requirements

The bill changes the date of the annual report by DCF on commercial sex trafficking of minors from December 1 to October 1. Most of the state's child welfare reports are due October 1 of each year to allow the Legislature to consider the reports prior to the Legislative Session.

The bill requires DCF, with information from sheriffs' offices conducting child abuse investigations and community-based care agencies, to report on the prevalence of exploitation in Florida, specialized services, local services, and the DCF's response to the recommendations from the annual report by the OPPAGA on commercial sexual exploitation of children.⁶⁹ DCF is required to maintain data specifying the number of children who were:

- Verified victims of commercial sexual exploitation.
- Referred to nonresidential services in the community.
- Placed in a safe house or safe foster home.
- Referred to a safe house or safe foster home for whom placement was unavailable.

DCF must also identify which counties did not have the available placement in a safe house or safe foster home.

Criminal Provisions

The bill adds the crime of human trafficking involving commercial sexual activity, s. 787.06(3), F.S., to the list of crimes where the defendant's confession is admissible during specified situations in trial, without the state proving the fact a crime has actually been committed. This could improve prosecution of persons engaged in commercial sexual exploitation of children.

It also amends s. 907.041, F.S., relating to pretrial detention, to add human trafficking to the list of crimes considered dangerous and for which the court may not grant nonmonetary pretrial release at first appearance.

Nursing Continuing Education

The bill requires the BON to require nurses to complete a two-hour continuing education course on human trafficking for every biennial licensure renewal on or after January 1, 2019. The continuing education course must include:

- Data and information on the types of human trafficking, such as labor and sex, and the extent of human trafficking;
- Factors that place a person at greater risk of being a victim of human trafficking;
- Public and private social services available for rescue, food, clothing, and shelter referrals;
- Hotlines for reporting human trafficking;
- Validated assessment tools for identifying a human trafficking victims and general indicators that a person may be a victim;
- Procedures for sharing information related to human trafficking with a patient; and

⁶⁹ The report by OPPAGA is required each year pursuant to s. 409.16791, F.S.

- Referral options for legal and social services.

The bill provides the bill is effective October 1, 2017.

B. SECTION DIRECTORY:

Section 1: Amends s. 39.524, F.S., relating to safe harbor placement.

Section 2: Amends s. 92.565, F.S., relating to admissibility of confession in sexual abuse cases.

Section 3: Amends s. 409.016, F.S., relating to definitions.

Section 4: Amends s. 409.1678, F.S., relating specialized residential options of children who are victims of commercial sexual exploitation.

Section 5: Amends s. 409.1754, F.S.; relating to commercial sexual exploitation of children; screening and assessment; training; multidisciplinary staffings; service plans.

Section 6: Amends s. 464.013, F.S., relating to renewal of licensure or certificate.

Section 7: Amends s. 907.041, F.S., relating to pretrial detention and release.

Section 8: Reenacts s. 790.065(2)(c), F.S., relating to the sale and delivery of firearms.

Section 9: Provides an effective date of October 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

The requirement for DCF to develop a service plan at the multidisciplinary staffings for all verified victims of commercial sex trafficking can be absorbed within existing resources.⁷⁰ The requirement for DCF to follow up with all victims of commercial sex trafficking within six months of a confirmed case can also be absorbed within existing resources.⁷¹ DCF estimates a cost of \$11,000 to \$27,500 to make changes to the Florida Safe Families Network to collect new data required by the bill.⁷²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Sheriffs' offices in six counties conduct child protective services instead of DCF by law and through a contract with the DCF.⁷³ Under current law, these sheriffs' offices must conduct multidisciplinary staffings along with the local community-based care agency. Sheriffs' offices could see an increase

⁷⁰ Department of Children and Families, Agency Analysis 2017 HB 1383, February 15, 2017, (on file with Children Families and Seniors Subcommittee staff).

⁷¹ Id.

⁷² Id.

⁷³ S. 39.3065, F.S.

in costs to prepare a service plan for victims and for following up with victims who are not dependent; however, the cost is not expected to be significant.⁷⁴

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities. Section 39.3065, F.S., places a requirement on four county sheriffs' offices to perform child protective investigations; this requirement was made at the request of these counties, and services are performed pursuant to grant agreements between DCF and the sheriffs' offices. DCF has exercised its discretionary authority to enter into grant agreements with two additional counties. The bill anticipates that any new responsibilities would be performed under these grant agreements. Either party may terminate the grant agreement for cause upon 30 days' notice, for convenience upon 180 days' notice, or in the event funds are not appropriated. Because the basis for performing the bill's functions is a voluntary contractual relationship, the bill does not require counties to spend funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2017, the Children, Families, and Seniors Subcommittee adopted an amendment correcting a cross-reference. The bill was reported favorably as a committee substitute.

On April 6, 2017, the Health and Human Services Committee adopted an amendment that requires the BON to require nurses to complete a 2-hour continuing education course on human trafficking for every biennial licensure renewal on or after January 1, 2019. The bill was reported favorably as a committee substitute. This analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.

⁷⁴ *Supra*, note 70.