

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

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BILL: CS/SB 1436

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

SUBJECT: Human Trafficking

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Cox</u>	<u>CF</u>	<b>Fav/CS</b>
2.	<u>Sneed</u>	<u>Money</u>	<u>AHS</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1436 amends section 16.617, Florida Statutes, to add the following additional duties to the Statewide Council on Human Trafficking (Council):

- Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within the state;
- Establish a process to detect such use on a consistent basis; and
- Make recommendations on how to stop, reduce, or prevent social media platforms from being used for such purpose.

The Council must implement without undue delay a system to stop, reduce, or prevent social media platforms from being used to assist, facilitate, or support human trafficking within the state to the extent these objectives can be achieved under existing laws.

The bill requires the Florida Alliance to End Human Trafficking (FAEHT), who is the direct support-organization (DSO) of the Council, to develop training on the recognition and reporting of human trafficking for firesafety inspectors, which is eligible for continuing education credit under section 633.216(4), Florida Statutes.

The bill also requires foster parents, as a condition of licensure, and agency staff to successfully complete preservice training related to human trafficking which must be uniform statewide and must include, but need not be limited to:

- Basic information on human trafficking;

- Factors and knowledge on identifying children at risk of human trafficking; and
- Steps that should be taken to prevent at-risk youths from becoming victims of human trafficking.

The bill provides that foster parents, before licensure renewal, and agency staff, during each full year of employment, must complete training related to human trafficking to satisfy the inservice training requirement under current law.

Section 63.092, Florida Statutes, is reenacted for the purpose of incorporating the amendment made to section 409.175, Florida Statutes, by the act.

The bill has no fiscal impact on state government. However, it may have an indeterminate fiscal impact on the DSO by requiring the development of new training for firesafety inspectors. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

## II. Present Situation:

Human trafficking is modern day slavery which involves the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploiting that person.<sup>1</sup> A person may not knowingly, or in reckless disregard of the facts, engage in human trafficking, attempt to engage in human trafficking, or benefit financially by receiving anything of value from participating in a venture that has subjected a person to human trafficking for commercial sexual activity,<sup>2</sup> labor, or services:

- By using coercion;<sup>3</sup>
- Of a child younger than 18 years old or an adult believed by the person to be a child younger than 18 years old;<sup>4</sup> or
- With a mentally defective or mentally incapacitated person, if for commercial sexual activity.<sup>5, 6</sup>

<sup>1</sup> Section 787.06(2)(d), F.S.

<sup>2</sup> Commercial sexual activity means any prostitution, lewdness, or assignation offense or attempt to commit such an offense, and includes a sexually explicit performance and the production of pornography. Section 787.06(2)(b), F.S.

<sup>3</sup> Section 787.06(3)(a)2., (b), (c)2., (d), (e)2., and (f)2., F.S. Section 787.06(2)(a), F.S., defines coercion to include using or threatening to use force against a person; restraining, isolating, or confining a person without lawful authority and against his or her will, or threatening to do so; using lending or other credit methods to establish a debt by a person when labor or services are pledged as a security for the debt, if the reasonably assessed value of the labor or services is not applied toward the liquidation of the debt; destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, other immigration document, or government identification document; causing or threatening to cause financial harm; enticing or luring a person by fraud or deceit; or providing a Schedule I or II controlled substance to a person for the purpose of exploiting that person.

<sup>4</sup> Section 787.06(3)(a)1., (c)1., (e)1., (f)1., and (g), F.S.

<sup>5</sup> Section 787.06(3)(g), F.S., which also specifies that for purposes of this offense, the terms mentally defective and mentally incapacitated person mean the same as defined in s. 794.011(1), F.S.

<sup>6</sup> Section 794.011(1)(a), F.S., defines “mentally defective” to mean a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct. Section 794.011(1)(b), F.S., defines “mentally incapacitated” to mean temporarily incapable of appraising or controlling a person's own conduct due to the

According to the United States Department of State, traffickers in the United States compel victims to engage in commercial sex and to work in both legal and illicit industries, including in hospitality, traveling sales crews, agriculture, janitorial services, construction, landscaping, restaurants, factories, care for persons with disabilities, salon services, massage parlors, retail services, fairs and carnivals, peddling and begging, drug smuggling and distribution, religious institutions, child care, and domestic work.<sup>7</sup> In 2020, the National Human Trafficking Hotline received a total of 51,667 substantive tip reports regarding human trafficking nationwide.<sup>8</sup> Of these reported tips, a total of 2,539 were reported from Florida.<sup>9</sup>

Social Media is used to recruit victims of human trafficking and increase their operations.<sup>10</sup> In particular, sex trafficking recruitment on social media is increasing especially since the beginning of the pandemic.<sup>11</sup> Recruiting victims online is typically considered less risky than recruiting victims in person.<sup>12</sup> Children and youth are being contacted, recruited, and sold for sex on social media.<sup>13</sup> Traffickers lure them in with online friendships and then manipulate them into becoming victims.<sup>14</sup> In 2019, Psychology Today reported that a recent survey found that 70% of more than 1,000 American children between the ages of 13 and 17 used social media several times per day.<sup>15</sup> The National Human Trafficking Hotline also notes that in the same year there were 447 (5.8%) situations where the venue/industry of potential trafficking was online ads,<sup>16</sup> 24 (3%) of which were received from Florida.<sup>17</sup>

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influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

<sup>7</sup> These reports were made by phone calls, texts, webchats, emails, or online. U.S. Department of State, Federal Response to Human Trafficking, *About Human Trafficking*, available at <https://www.state.gov/humantrafficking-about-human-trafficking/#profile> (last visited Feb. 2, 2022).

<sup>8</sup> National Human Trafficking Hotline, *2020 National Hotline Annual Report*, available at <https://humantraffickinghotline.org/resources/2020-national-hotline-annual-report> (last visited Feb. 2, 2022) (hereinafter cited as “2020 National Hotline Annual Report”).

<sup>9</sup> National Human Trafficking Hotline, *National Human Trafficking Hotline Data Report, Florida State Report: 1/1/2020 – 12/31/2020*, July 1, 2021, available at [Florida State Report For 2020.docx \(humantraffickinghotline.org\)](https://www.humantraffickinghotline.org/florida-state-report) (last visited Feb. 2, 2022) (hereinafter cited as “2020 National Human Trafficking Hotline Report for Florida”).

<sup>10</sup> Polaris, *Human Trafficking and Social Media*, available at [Human Trafficking and Social Media | Polaris \(polarisproject.org\)](https://polarisproject.org/human-trafficking-and-social-media) (last visited Feb. 2, 2022).

<sup>11</sup> Anderson, M., & Thompson, R., *Danger Warning! Social Media Sex Trafficking Recruitment is on the Rise since COVID Pandemic*, the DCF & Survive and Thrive Advocacy Center, Feb. 19, 2021, available at [Danger Warning! Social Media Sex Trafficking Recruitment is on the Rise since COVID 19 Pandemic \(Training Video\) \(usf.edu\)](https://www.dcf.state.fl.us/advocacy-center/danger-warning-social-media-sex-trafficking-recruitment-is-on-the-rise-since-covid-19-pandemic-training-video) (last visited Feb. 2, 2022) (hereinafter cited as “”).

<sup>12</sup> Withers, M., *Social Media Platforms Help Promote Human Trafficking, How Sex Trafficking is Bolstered by Social Media, and What to Do about It*, Nov. 22, 2019, available at [Social Media Platforms Help Promote Human Trafficking | Psychology Today](https://www.psychologytoday.com/us/blog/social-media-platforms-help-promote-human-trafficking) (last visited Feb. 2, 2022) (hereinafter cited as “Psychology Today Article”).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> 2020 National Hotline Annual Report.

<sup>17</sup> 2020 National Human Trafficking Hotline Report for Florida.

## Statewide Council on Human Trafficking

The Statewide Council on Human Trafficking (Council), established within the Department of Legal Affairs (DLA), is tasked with:

- Developing recommendations for human trafficking victim programs and services, including certification criteria for safe houses and foster homes.
- Making recommendations for apprehending and prosecuting traffickers.
- Annually holding a statewide policy summit.
- Working with the Department of Children and Families (DCF) to create and maintain an inventory of human trafficking programs and services in each county.
- Developing policy recommendations that advance the duties of the council and further the efforts to combat human trafficking in Florida.<sup>18</sup>

Membership on the Council includes:

- The Attorney General, or a designee, serving as chair.
- The Secretary of the DCF, or a designee, serving as vice chair.
- The State Surgeon General, or a designee.
- The Secretary of the Agency for Health Care Administration, or a designee.
- The executive director of the Department of Law Enforcement (FDLE), or a designee.
- The Secretary of the Department of Juvenile Justice, or a designee.
- The Commissioner of Education, or a designee.
- One member of the Senate appointed by the President of the Senate.
- One member of the House of Representatives appointed by the Speaker of the House of Representatives.
- An elected sheriff appointed by the Attorney General.
- An elected state attorney appointed by the Attorney General.
- Two members appointed by the Governor, and two members appointed by the Attorney General, who have professional experience to assist the Council in the development of care and treatment options for human trafficking victims.<sup>19</sup>

## Direct-Support Organizations

A direct-support organization (DSO) is a non-profit organization authorized by statute to carry out specific tasks in support of a public entity or public cause. The function and purpose of a DSO is detailed in its enacting statute and the contract with the agency the DSO was created to support.<sup>20</sup>

In 2014, the Legislature created s. 20.058, F.S., establishing transparency and reporting requirements for DSOs.<sup>21</sup> Each DSO is required to submit, by August 1 of each year, specified

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<sup>18</sup> Section 16.617, F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Some examples of other DSOs may be found in ss. 14.29(9)(a), 267.1732, and 258.015(1), F.S. *See also* Rules of the Florida Auditor General, *Audits of Certain Nonprofit Organizations* (effective June 30, 2021), Rule 10.720(1)(b) and (d), available at [https://flauditor.gov/pages/pdf\\_files/10\\_700.pdf](https://flauditor.gov/pages/pdf_files/10_700.pdf) (last visited Feb. 2, 2022).

<sup>21</sup> Chapter 14-96, s. 3, L.O.F.

information to the agency it was created to support.<sup>22</sup> A contract between an agency and a DSO must be contingent upon the DSO submitting the required information to the agency and posting the information on the agency's website. The contract must include a provision for ending operations and returning state-issued funds if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved. If a DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the DSO.<sup>23</sup> By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information submitted by each DSO, along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the DSO.<sup>24</sup> Any law creating or authorizing a DSO must provide that the authorization is repealed on October 1 of the fifth year after enactment, unless reviewed and reenacted by the Legislature.<sup>25</sup>

### ***DSO Supporting the Council – Florida Alliance to End Human Trafficking***

In 2019, the Legislature required the DLA to establish a DSO, the Florida Alliance to End Human Trafficking (FAEHT), to provide assistance, funding, and support to the Council, and to assist in the fulfillment of the Council's purposes.<sup>26</sup> The DSO met for the first time in August 2019,<sup>27</sup> and it is statutorily required to be:

- A Florida not for profit corporation, incorporated under ch. 617, F.S., and approved by the Secretary of State;
- Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, property and funds; and make expenditures in support of the purposes specified under s. 16.618, F.S.; and
- Certified by the DLA, after review, to be operating in a manner consistent with its purposes and in the best interests of the state.<sup>28</sup>

The FAEHT's board of directors must be thirteen members, including:

- Two members appointed by the executive director of the FDLE, both of whom must have experience and knowledge in the area of human trafficking.
- Three members appointed by the Attorney General, one of whom must be a human trafficking survivor and one of whom must be a mental health expert.
- Four members appointed by the President of the Senate.
- Four members appointed by the Speaker of the House of Representatives.<sup>29</sup>

The FAEHT is authorized to contract with Florida Forensic Institute for Research, Security, and Tactics (FIRST) to develop required training. The contract with FIRST must provide that the

<sup>22</sup> Section 20.058(1), F.S.

<sup>23</sup> Section 20.058(4), F.S.

<sup>24</sup> Section 20.058(3), F.S.

<sup>25</sup> Section 20.058(5), F.S.

<sup>26</sup> Ch. 2019-152, L.O.F., codified as s. 16.618, F.S.

<sup>27</sup> Office of the Attorney General, *Statewide Council on Human Trafficking*, available at <http://myfloridalegal.com/pages.nsf/main/8aea5858b1253d0d85257d34005afa72> (last visited Feb. 2, 2022).

<sup>28</sup> Section 16.618(1), F.S.

<sup>29</sup> Section 16.618(3), F.S.

DSO may terminate the contract if FIRST fails to meet its obligations under s. 16.618(4), F.S. In addition, if FIRST ceases to exist, or if the contract between the FAEHT and FIRST is terminated, DLA must contract with another organization to develop the required training and information.<sup>30</sup>

FIRST, which is managed by the Pasco County Sheriff's Office, is designed to train public safety leaders.<sup>31</sup> Section 16.618(4), F.S., requires FIRST to develop training focused on detecting human trafficking, best practices for reporting human trafficking, and the interventions and treatment for human trafficking survivors. In developing the training, FIRST must consult with law enforcement agencies, human trafficking survivors, industry representatives, tourism representatives, and other interested parties and conduct research to determine the reduction in recidivism attributable to the education of the harms of human trafficking for first-time offenders.<sup>32</sup> The training has been developed and can currently be accessed online.<sup>33</sup>

### **Firesafety Inspectors**

In Florida, a firesafety inspector is a person who holds a current and valid Fire Safety Inspector Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services (DFS) under s. 633.216, F.S., and who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of Florida or any county, municipality, or special district with fire safety responsibilities.<sup>34</sup>

Subject to a person meeting minimum qualifications, the Division of State Fire Marshal, Bureau of Firefighter Standards and Training issues certifications for Firesafety Inspector I and Firesafety Inspector II.<sup>35</sup> A Firesafety Inspector Certificate of Compliance is valid for four years from the date of its issuance, and certification renewal is subject to completing an application for renewal and meeting the requirements for renewal as established or adopted by the DFS rule or under ch. 633, F.S., which must include completion of at least 54 hours of continuing education during the preceding four year period or successfully passing an examination established by the DFS.<sup>36</sup>

Firesafety inspectors are typically responsible for inspections, re-inspections, and change-of-occupancy inspections in both new building construction and existing building construction for a variety of buildings and structures. Other duties may include, but are not limited to, ensuring fire safety equipment is installed and maintained properly and that firefighting, fire protection, and

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<sup>30</sup> Section 16.618(4)(a), F.S.

<sup>31</sup> FIRST, Florida's Forensic Institute for Research, Security, & Tactics, available at <https://www.floridafirsttraining.org/#/home> (last visited Feb. 1, 2022).

<sup>32</sup> Section 16.618(4)(b), F.S.

<sup>33</sup> Section 16.618(4)(b), F.S. See also Florida Alliance to End Human Trafficking, available at <https://fateht.vidcert.com/register> (last visited Feb. 1, 2022).

<sup>34</sup> Section 633.102(12), F.S.

<sup>35</sup> See s. 633.216(2), F.S.; Bureau of Fire Standards and Training, Division of State Fire Marshal, *Firesafety Inspector I Certification* (Jun. 8, 2021), available at <https://www.myfloridacfo.com/division/sfm/bfst/Documents/FiresafetyInspectorI.pdf>; and Bureau of Fire Standards and Training, Division of State Fire Marshal, *Firesafety Inspector II Certification* (Sept. 26, 2012), available at <https://www.myfloridacfo.com/division/sfm/bfst/Documents/FiresafetyInspectorII.pdf> (all sites last visited on Feb. 2, 2022).

<sup>36</sup> Section 633.216(4), F.S., and Rules 69A-39.003, 69A-39.005, and 69A-39.009, F.A.C.

all other fire safety requirements are fulfilled in accordance with the Florida Fire Prevention Code, Florida Administrative Codes, county ordinances, and other adopted standards.<sup>37</sup> Due to their unique position of regularly inspecting buildings, firesafety inspectors may be able to detect and report human trafficking if properly trained in recognizing common indicators of human trafficking.

### **Licensed Foster Care**

Foster home placements are intended to provide a temporary, safe place to live until a child can be reunited with his or her family, an adoptive family is identified, or other permanency is achieved. Section 409.175(2)(e), F.S., defines a “family foster home” as a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A family foster home does not include an adoptive home which has been approved by the DCF or by a licensed child-placing agency for children placed for adoption.<sup>38</sup>

The recruitment, training, and licensing of foster parents is conducted by 18 community-based care agencies that maintain contracts with the DCF.<sup>39</sup> The total number of children placed in a family foster home must be based on the needs of each child in care; the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home; the amount of safe physical plant space; the ratio of active and appropriate adult supervision; and the background, experience, and skill of the family foster parents.<sup>40</sup> Foster parents are responsible for the care and well-being of the child, including maintaining their health, safety, and best interests and encouraging emotional and developmental growth. Following placement, a foster child should be closely monitored by a case worker, who provides support and additional training related to special needs.<sup>41</sup>

In 2019, Florida moved to a system of foster home licensing that consisted of five distinct levels:

- Level I: Child-Specific Foster Home.
- Level II: Non-Child Specific Foster Home.<sup>42</sup>
- Level III: Safe Foster Home for Victims of Human Trafficking.
- Level IV: Therapeutic Foster Home.

<sup>37</sup> See Orange County Government Fire Rescue Department, *Fire Inspector I Fire Inspector Recruit*, available at <https://www.orangecountyfl.net/Portals/0/Library/Employment-Volunteerism/docs/Fire%20Inspector%20I-CERT.pdf>; See also the Villages Fire Rescue Department, *Currently Recruiting for Fire Inspector*, <https://www.myfloridacfo.com/campaigns/firecollege/VillagesInsp.pdf> (all sites last visited Feb. 2, 2022).

<sup>38</sup> Section 409.175(2)(e), F.S.

<sup>39</sup> The DCF, *Lead Agency Map*, available at <https://www.myflfamilies.com/service-programs/community-based-care/lead-agency-map.shtml>. The DCF terminated the contract with Eckerd Connects for Circuit 6 and Family Support Services of North Florida took over on January 1, 2022. Eckerd Connects will carry out its contract until it expires June 30, 2022. WFLA, *DCF, Eckerd Connects ending child welfare services contracts in 3 Tampa Bay counties*, available at <https://www.wfla.com/news/local-news/dcf-eckerd-connects-end-child-welfare-services-in-3-tampa-bay-counties/>; WUSF Public Media, *Family Support Services of North Florida will fully take over on January 1, 2022, Nov. 30, 2021*, available at <https://wusfnews.wusf.usf.edu/health-news-florida/2021-11-29/state-selects-replacement-for-eckerd-connects-to-run-foster-care-in-pinellas-pasco/> (all sites last visited Feb. 2, 2022).

<sup>40</sup> Section 409.175(3)(a) and (b), F.S., provides that the DCF may grant a capacity waiver in certain instances.

<sup>41</sup> See s. 409.1415(2), F.S., for specific roles and responsibilities of foster parents.

<sup>42</sup> Previously “Traditional” foster homes are now Level II.

- Level V: Medical Foster Home.<sup>43</sup>

#### Level I: Child-Specific Foster Home

A child specific licensed foster home is a new licensure type designed for relatives and nonrelatives who have an existing relationship with the child for whom they are seeking licensure. When a child is not able to safely remain at home with their parents, a family or like-family member who is willing and able to provide care for the child, is the next best alternative.<sup>44</sup>

#### Level II: Non-Child Specific Foster Home

A non-child specific licensed foster home is identified when placement with a relative or nonrelative caregiver is not possible. This licensure type is available to individuals in the community who may be interested in fostering.<sup>45</sup>

#### Level III: Safe Foster Home for Victims of Human Trafficking

Safe foster home means a foster home certified by the DCF to care for sexually exploited children.<sup>46</sup> This level of licensure is for individuals interested in providing a safe and stable environment for victims of human trafficking.<sup>47</sup> Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,<sup>48</sup> purchasing, patronizing, procuring, or obtaining<sup>49</sup> another person for the purpose of exploitation of that person.<sup>50</sup> In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking for labor or services, or commercial sexual activity, commits a crime.<sup>51</sup>

In addition to meeting standard licensing requirements, safe foster homes meet certification requirements which include, in summary:

- Use strength-based and trauma-informed approaches to care;
- Serve exclusively one sex;
- Group child victims of commercial sexual exploitation by age or maturity level;
- Care for child victims of commercial sexual exploitation in a matter that separates those children from children with other needs;

<sup>43</sup> The DCF, *Levels of Foster Care Licensure*, available at <https://www.myflfamilies.com/service-programs/foster-care/levels.shtml> (hereinafter cited as “Levels of Foster Care Licensure”); Florida FAPA, *Become a Foster Parent*, available at <https://floridafapa.org/become-a-foster-parent/> (all sites last visited Feb. 2, 2022).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Section 409.1678(1), F.S.

<sup>47</sup> Levels of Foster Care Licensure.

<sup>48</sup> Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

<sup>49</sup> Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof. Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

<sup>50</sup> Section 787.06(2)(d), F.S.

<sup>51</sup> Section 787.06(3), F.S.



- Have awake staff on duty 24 hours a day;
- Provide appropriate security through facility design, hardware, technology, staffing, and sitting; and
- Meet other criteria established by DCF rule.

There are currently 18 children who are placed in a safe foster home.

#### Level IV: Therapeutic Foster Home

This level of licensure is for caregivers who have received specialized training to care for a wide variety of children and adolescents who may have significant emotional, behavioral, or social needs. As a therapeutic foster parent, individualized care is provided in the home by the foster parent to ensure a child receives the appropriate level of care in the least restrictive setting.<sup>52</sup>

#### Level V: Medical Foster Home

This licensure type is for caregivers who have received specialized training to provide care for children and adolescents with chronic medical conditions. Medical foster parents enable children from birth through age 20 with medically-complex conditions whose parents are unable to care for them in their own homes, to live and receive care in a foster home rather than in hospitals or other facility settings.<sup>53</sup>

#### ***Training Requirements for Foster Placement***

Under s. 409.175, F.S., in order to provide improved services to children, the DCF is required to provide or cause to be provided preservice training for prospective foster parents and inservice training for foster parents who are licensed and supervised by the DCF.<sup>54</sup>

Except in limited circumstances,<sup>55</sup> as a condition of licensure, foster parents are required to successfully complete preservice training. The preservice training must be uniform statewide and include, but not be limited to, such areas as:

- Orientation regarding agency purpose, objectives, resources, policies, and services;
- Role of the foster parent as a treatment team member;
- Transition of a child into and out of foster care;
- Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions;
- Prevention of placement disruptions;
- Care of children at various developmental levels;
- Effects of foster parenting on the family of the foster parent; and
- Information about and contact information for the local mobile response team as a means for addressing a behavioral health crisis or preventing placement disruption.<sup>56</sup>

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<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> Section 409.175(14), F.S.

<sup>55</sup> Rule 65C-45.002, F.A.C. provides that, in limited instances, applicants who have completed a DCF approved preservice training curriculum within the last 5 years or who completed training in another state are exempt from completing certain pre-training requirements.

<sup>56</sup> Section 409.175(14)(b), F.S.

Rule 65C-45.002, F.A.C., provides for additional training topics, including:

- The reasonable and prudent parenting standards, pursuant to ss. 39.4091 and 409.145, F.S., and the balance of normalcy for children in care and their safety;
- Legal rights, roles, responsibilities, and expectations of foster parents;
- The social and emotional development of children and youth;
- Agency policies, services, laws, and regulations;
- Development of life skills for teens in care;
- The caregiver's role in supporting and promoting the educational progress of the child;
- Trauma-informed care, including recognizing the signs, symptoms, and triggers of trauma;
- The Multiethnic Placement Act and the Americans with Disabilities Act; and
- The administration of psychotropic Medication.

In addition, foster parents must receive 24 hours of specialized training in commercial sexual exploitation prior to receiving certification to care for sexually exploited children or young adults,<sup>57</sup> which includes, but is not limited to:

- The needs of child victims of commercial sexual exploitation;
- The effects of trauma and sexual exploitation; and
- How to address those needs using strength-based and trauma-informed approaches.<sup>58</sup>

Specifically, the intensive training on commercially exploited children must include:

- Distinctions between sexual abuse, sexual exploitation, and sexual trafficking;
- Language and sensitivity;
- Pathways to entry into sexual exploitation and sexual trafficking;
- Exploiters;
- Tactics of coercion and control;
- Impact of sexual exploitation;
- Stockholm Syndrome and trauma bonding;
- Identifying victims;
- Meeting the needs of victims;
- Trauma triggers;
- Trauma-informed care;
- Vicarious trauma and self-care strategies;
- Behavior management activities; and
- Intersection of labor trafficking and commercial sexual exploitation.<sup>59</sup>

In consultation with foster parents, each region or lead agency is required to develop a plan for making the completion of the required training as convenient as possible for potential foster parents that includes strategies such as providing training in nontraditional locations and at nontraditional times. The plan must be revised at least annually and must be included in the information provided to each person applying to become a foster parent.<sup>60</sup>

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<sup>57</sup> Rule 65C-45.004(2), F.A.C.

<sup>58</sup> Section 409.1678(2)(e), F.S.

<sup>59</sup> Rule 65C-45.004(4), F.A.C.

<sup>60</sup> *Id.*

Before licensure renewal, each foster parent must successfully complete inservice training. Periodic time-limited training courses must be made available for selective use by foster parents. Such inservice training must include subjects affecting the daily living experiences of foster parenting as a foster parent. For a foster parent participating in the required inservice training, the DCF is required to reimburse such parent for travel expenditures and, if both parents in a home are attending training or if the absence of the parent would leave the children without departmentally approved adult supervision, the DCF is required to provide for child care or reimburse the foster parents for child care costs incurred by the parents for children in their care.<sup>61</sup>

### **Agency Staff**

The term “agency” means a residential child-caring agency or child placing agency.<sup>62</sup> A “residential child-caring agency” means that any person, corporation, or agency, public or private, other than the child’s parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged.<sup>63</sup> A “child-placing agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to ch. 63, F.S., that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.<sup>64</sup>

### ***Training for Agency Staff***

Currently, only selected agency staff receives training on human trafficking. Child protective investigators and case managers, and their supervisors, must receive a minimum of six hours of specialized training on human trafficking approved by the DCF prior to accepting cases with children or young adult victims of human trafficking.<sup>65</sup> The specialized training in human trafficking is required to be conducted by a DCF-approved trainer and consist of:

- Three hours of live training pertaining to human trafficking;
- One hour of live training pertaining to Legislative language addressing human trafficking; and
- Two hours of additional live training on specialized topics related to human trafficking of children.

Each year child protective investigators and case managers must receive a minimum of one hour of ongoing training per quarter on human trafficking or related topics in order to continue receiving cases with child or young adult victims of human trafficking.

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<sup>61</sup> *Id.*

<sup>62</sup> Section 409.175(2)(a), F.S.

<sup>63</sup> Section 409.175(2)(l), F.S.

<sup>64</sup> Section 409.175(2)(d), F.S.

<sup>65</sup> Rule 65C-43.005, F.A.C.

Any professional administering the Human Trafficking Screening Tool (HTST) must meet the training requirements set forth in Rule 65C-43.005, F.A.C., and must have completed the DCF approved training for the HTST prior to administering the tool.<sup>66</sup>

Similar to foster parents of safe foster homes, staff of safe houses must also complete intensive training.<sup>67</sup>

### **III. Effect of Proposed Changes:**

The bill adds the following duties to the Statewide Council on Human Trafficking (Council) to:

- Assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within the state;
- Establish a process to detect such use on a consistent basis; and
- Make recommendations on how to stop, reduce, or prevent social media platforms from being used for such purpose.

The Council must implement a system to achieve these objectives without undue delay to the extent they can be achieved under existing laws.

The bill requires the Florida Alliance to End Human Trafficking (FAEHT) to develop training specifically for firesafety inspectors related to recognizing and reporting human trafficking, and allows for such training to be eligible for the continuing education credits required under s. 633.216(4), F.S., for a firesafety inspector to renew his or her certification.

The bill also amends s. 16.618, F.S., to remove obsolete language which requires FIRST to develop human trafficking training for statewide dissemination no later than October 1, 2019, as such training has been developed and is currently available online. Under the bill, FIRST is still required to make such training available for statewide dissemination.

The bill also amends s. 409.175, F.S., to require foster parents and all agency staff to complete preservice and inservice training related to recognizing, preventing, and reporting human trafficking. The preservice training must cover the following topics, at a minimum:

- Basic information on human trafficking, such as understanding relevant terminology and different types of human trafficking;
- Information on children who are at risk of human trafficking; and
- Actions that may be taken to prevent children from becoming victims of domestic violence.

The bill requires the above-described inservice training to be completed by foster parents before licensure renewal and by agency staff during each full year of employment. The DCF will be required to develop the relevant training materials or outsource to an agency approved trainer.

Section 63.092, F.S., is reenacted for the purpose of incorporating the amendment made to s. 409.175, F.S., by the act.

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<sup>66</sup> Rule 65C-45.001, F.A.C.

<sup>67</sup> Section 409.1678(2)(e), F.S.

The bill provides an effective date of July 1, 2022.

**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 identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 1436 may have an indeterminate fiscal impact on the DSO by requiring it to develop new training specifically for firesafety inspectors.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 16.617, 16.618, and 409.175.

This bill reenacts section 63.092 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 February 1, 2022:**

The Committee Substitute:

- Modifies the duties of the Council in relation to human trafficking on social media;
- Requires the Council to implement a system to eliminate or prevent social media platforms from being used to assist, facilitate, or support human trafficking to the extent these objectives can be achieved under existing laws;
- Requires the FAEHT to develop the required training for firesafety inspectors, instead of FIRST; and
- Makes a technical change which recognizes that the FIRST has already developed certain training material that is available for dissemination.

**B. Amendments:**

None.