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PREPARE 2017



FLORIDA IMPACT



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Mobilizing Communities Against Hunger and Poverty

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Human Trafficking of Children

SB 852, INTRODUCED BY SENATOR RENE GARCIA (MIAMI) WITH ELIZBETH BENACQUISTO (FT. MYERS); ANITERE FLORES (MONROE/MIAMI-DADE); AND DAPHNE CAMPBELL (NORTH MIAMI BEACH); AND HB 1383, INTRODUCED BY REPRESENTATIVE JEANETTE M. NUÑEZ (MIAMI).

Victims of human trafficking include young children as well as adult men and women, who are often subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor. Sex trafficking includes, but is not limited to, prostitution and/or pornography as a means for the perpetrator to make money. Of the nearly 21 million people in the world who are in some sort of forced labor or sexual exploitation, more than one in four (26%) are children under 18 years of age; and as many as 300,000



children in the United States are at risk of exploitation each year.¹ In Florida, human trafficking is reported to the Child Abuse Hotline—to which toll free national numbers also refer all Florida reports of human trafficking of children. The most recent report (2015) cited 1,279 calls regarding human trafficking to the Child Abuse Hotline in Florida.²

¹ U.S. Department of Justice, Office of Justice Programs, OJP Fact Sheet, Fast Facts, (December 2011) available at http://ojp.gov/newsroom/factsheets/ojps_humantrafficking.html. Polaris, Human Trafficking: The Facts, 2016, available at <https://polarisproject.org/facts>.

² Office of Program Policy Analysis and Government Accountability, Placement Challenges Persist for Child Victims of Commercial Sexual Exploitation; Questions Regarding Effective Interventions and Outcomes Remain, Report No. 16-04, available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=16-04>. Chapter 2014- 161, L.O.F.

There are complex effects associated with the trauma of being trafficked. The *2016 Human Trafficking Response in Florida* report³ states: “To build a strong foundation for a continuum of care, policymakers and service providers must understand the connection between the survivor’s background of violence, abuse, rape, isolation or other traumas and the lasting impact these traumatic experiences have throughout one’s life. . . A primary goal of a comprehensive care system is to shift from a system based on blame, shame, discrimination, isolation, and re-traumatization of the victim toward a model that offers validation, support, unconditional acceptance, skill building, self-empowerment, and relational safety.”



Given how dealing with multiple systems can overwhelm and add further trauma to a victim of sexual trafficking, a more collaborative approach is part of a national trend to treat victims holistically and provide more victim-centered service delivery. Calls to the abuse hotline are investigated by the Florida Department of Children and Families (DCF) or--in Broward, Hillsborough, Manatee, Pasco, Pinellas, and

³2016 Human Trafficking Response in Florida: [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AF9P43/\\$file/2016HumanTraffickingAnnualReportSupplemt.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AF9P43/$file/2016HumanTraffickingAnnualReportSupplemt.pdf).

Seminole counties--by the sheriff's office. If commercial sexual trafficking is suspected or verified, the DCF, community-based care agencies, or sheriff's office, conducts a multidisciplinary staffing on each case.

These teams include law enforcement, victim advocates, case managers, housing providers, attorneys and any others involved in the case and/or that the survivor wishes to include. The *Human Trafficking* report also indicates that this cooperative style of management reduces the transition time for victims to receive services: "Together, these groups can better understand the tapestry of resources available within their community and connect to specialized services outside of their communities." The multidisciplinary teams can also include individuals involved in the child's care, like the guardian ad litem, juvenile justice system staff, school district staff, service providers, and victim advocates. Survivors and caregivers can work together to develop short- and long-term goals, like completing an educational tract or obtaining permanent housing.

In addition to local multidisciplinary teams, Florida created in statute the Statewide Council on Human Trafficking within the Department of Legal Affairs in 2014. Together, these groups connect to specialized services outside of their communities as well. Representatives on these local and regional task forces or coalitions also include school system personnel, mental health and substance abuse professionals, survivors, medical providers, public health officials, state and local government agencies and policy makers, and non-profit community-based agencies--such as child advocacy centers,



runaway and homeless youth service providers, behavioral health companies, domestic violence shelters, sexual assault providers, private sector stakeholders, and philanthropic service organizations.

SB 852/HB 1383 amends numerous Florida statutes to formally include the term *commercial sexual exploitation*, so as to better define the victims served by DCF, sheriff's offices conducting child abuse investigations, and community-based care agencies. The proposed bills also make the following changes:

- require DCF or a sheriff's office to conduct a multidisciplinary staffing on child victims of commercial sexual exploitation to determine the child's service and placement needs and clarify procedures for victims who are not eligible for relief or benefits under the federal Trafficking Victims Protection Act⁴;
- add commercial sexual activity as a crime in which the defendant's admission is admissible during trial;
- require a service plan for all victims of child commercial sexual exploitation that identifies the victim's needs and local services;
- specify that services provided in the service plan be in the least restrictive environment and identify types of services that may be included in the service plan;
- require DCF or sheriff's office to follow up on all victims of child commercial sexual exploitation within six months;
- add human trafficking to the list of crimes requiring pretrial detention of the defendant;
- revise the date by which DCF or sheriff's office must submit a report to the Legislature on child commercial sexual exploitation and safe-harbor placements;
- require DCF to maintain certain data on the child victims.

The bill will likely have a fiscal impact on DCF and the six sheriff's offices that conduct child protective services; however, the impact is not expected to be significant. The bill is effective October 1, 2017.⁵

⁴ <https://humantraffickinghotline.org/what-human-trafficking/federal-law>

⁵ From the Senate Judiciary Committee's bill analysis (<http://www.flsenate.gov/Session/Bill/2017/852/Analyses/2017s00852.cj.PDF>).

Juvenile Civil Citation and Diversion Programs

CS/SB 196: INTRODUCED BY SENATOR ANITERE FLORES (MONROE/MIAMI-DADE) WITH SENATORS RANDOLPH BRACY (ORANGE) ; RENE GARCIA (MIAMI-DADE); DENNIS BAXLEY (SUMTER AND PARTS OF LAKE AND MARION COUNTIES); AUDREY GIBSON (DUVAL); GREG STEUBE (SARASOTA AND PART OF CHARLOTTE COUNTY); JOSE JAVIER RODRIGUEZ (MIAMI-DADE); KEITH PERRY (ALACHUA, PUTNAM AND PART OF MARION COUNTIES); DARRYL ERVIN ROUSON (PARTS OF HILLSBOROUGH AND PINELLAS COUNTIES); BOBBY POWELL (PALM BEACH COUNTY); KEVIN RADER (PARTS OF BROWARD AND PALM BEACH COUNTIES).

A civil citation provides an alternative to the judicial handling of juveniles who commit a first misdemeanor offense. The purpose of a civil citation is two-fold: it aims to prevent further delinquency while ensuring that the youth's offense is appropriately addressed without creating a criminal record. Recidivism for those given a civil citation is 4% compared with 13% for those arrested for a first time misdemeanor.

Civil citations also provide a cost savings and more efficient use of resources by keeping juvenile first offenders that pose no real threat to public safety out of the juvenile justice system. Civil citations identify and assess the behavioral needs of youth after their first misdemeanor encounter with law enforcement, thereby helping them to change the conduct that leads to delinquency and enhancing public safety. Youth are required to participate in intervention services based on that needs assessment. This may include performing community service, providing restitution, participating in school progress monitoring or prevocational services, and writing letters of apology to the victim(s). Processing youth through the criminal justice system costs \$5,000 per youth, compared to civil citation costs of \$386.⁷

Civil citations further avoid significant costs to the state and local governments by decreasing the likelihood that youth will reoffend. Civil citations for juvenile first offenders of misdemeanors allow law enforcement to remain on the streets for more serious or violent crimes while reducing the workload at all levels on the juvenile justice system. Providing swift and appropriate sanctions and services to juvenile first offenders has the potential to keep them from entering the juvenile justice system, which already has a disproportionate representation of these populations.

⁶ Some material for this article is drawn from Florida Impact's 2015 *Prepare* publication.

⁷ Florida Department of Juvenile Justice, *Florida Statewide Civil citation Guide and Civil citation Dashboard*.

Civil citations also address the zero-tolerance policies in schools by providing more appropriate and productive alternative responses, rather than suspension or arrest. Lastly, civil citations allow juveniles the opportunity to redress the offence without limiting future growth and success. It allows youth to avoid a criminal record that can hinder eligibility for employment, scholarships, and other opportunities that can be life changing.



Currently, Florida statute allows for the law enforcement officer's discretion in issuing a civil citation to eligible youth. This generates an inconsistent application of this option across the state; and in some areas, eligible youth are not offered the option at all. In fact, out of 67 counties and as many school districts, 13 and 21, respectively, didn't use the civil citation option in FY2014-15, nor did 159 law enforcement agencies across the state. In FY 2015-16, 19,386 juveniles were eligible for a civil citation, but only 9,636 (slightly less than half) were issued one—even though the recidivism rate for juveniles who completed a civil citation program in the year before (FY 2014-15) was as low as 3.8%. This leaves students of color—

particularly black males—disproportionately vulnerable to the so-called school-to-prison pipeline in which children are funneled out of public schools and into the juvenile and criminal systems.

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STATE CIVIL CITATION UTILIZATION AND THE SCHOOL-TO-PRISON PIPELINE			
(black males in all 67 counties)			
	Arrest %	# Arrested	Civil Citation %
Black Male School-Based	47%	619	53%
Black Male Community-Based	59%	1,863	41%

CS/SB 196 would require that all first-time juvenile misdemeanor offenders be issued a civil citation and allow subsequent misdemeanors to be considered for a civil citation. Opposition to CS/SB 196 cites concerns with removing discretion from law enforcement, but the bill still allows for discretion to arrest as long as the law enforcement officer documents why the arrest was necessary for public safety. It removes the guess work for officers when deciding whether or not to issue a civil citation and balances the scales across the state giving youth uniform access to civil citations in all counties.

⁸ Civil citation utilization is the percent eligible issued a civil citation. SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard July 2014 through June 2015. N

CS/SB 196 requires a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing one of the following first-time misdemeanor offenses:

- Possession of alcoholic beverages by a person under age 21
- Battery
- Criminal Mischief
- Trespass
- Theft
- Retail and farm theft
- Second-degree loitering and prowling
- Affrays and riots
- Disorderly conduct
- Possession of 20 grams or less of cannabis
- Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia
- Resisting an officer without violence

The bill also permits a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing a misdemeanor offense not enumerated in the bill or a second-time or third-time misdemeanor offense not enumerated in the bill. On the other hand, a law enforcement officer must provide written documentation articulating why an arrest is warranted when s/he has the discretion to issue a civil citation but instead chooses to arrest the juvenile. The bill specifies that the option of the issuance of a civil citation or referral to a similar diversion program does not apply to a juvenile who is alleged to have committed, is currently charged with, or has plead or been convicted of a felony. If passed, the bill would be effective July 1, 2017.

The Keys to Independence: Children in Foster Care Obtaining Driver Licenses

CS/SB 60, INTRODUCED BY SENATORS JOSE JAVIER RODRIGUEZ (MIAMI) AND AARON BEAN (JACKSONVILLE); AND CS/HB 217, INTRODUCED BY REPRESENTATIVES BEN ALBRITTON (DESOTO, HARDEE AND PART OF POLK), RAMON ALEXANDER (GADSDEN AND PART OF LEON), AND JENNIFER MAE SULLIVAN (PARTS OF LAKE AND ORANGE).

Learning to drive is arguably a rite of passage for most American teens and the first in a series of steps towards adult independence. Given its role as a conveyance for securing a first job, attending school, and engaging socially, the lack of a driver license can place a teen at a disadvantage from his/her peers. That's the prospect children in foster care confront. *A Voice Heard: Keys to Independence*⁹--commissioned by Guardian ad Litem--documents these unique challenges through nearly 100 interviews with youth both inside and aging out of foster care.

TEENS IN OUT-OF-HOME CARE		
Age	With Learner's Permits	With Driver's Licenses
15	5%	N/A
16	8%	1%
17	13%	4%

* only 9% of all 930 teens surveyed had learners permits, and only 3% of all 687 teens surveyed had drivers licenses.

source: <http://www.dcf.state.fl.us/programs/indliving/docs/MyServicesSpring2013SurveyReport.pdf>

See full report here: http://media.wix.com/ugd/0b2444_a220f19fe361431093e7c3dff6b40b95.pdf.

⁹ *A Voice Heard: Keys to Independence* (<http://guardianadlitem.org/wp-content/uploads/2014/08/FINAL-KEYS-8-1-13.pdf>).

THE CHALLENGES

- **Paying for the DATA and DMV tests.** To obtain a learner's permit, you must: 1) Complete the Florida Drivers Association online Drug Alcohol Traffic Awareness (DATA) course (cost: \$29.95); and 2) complete the Department of Highway Safety and Motor Vehicles (DMV) Exam (cost: \$14.95).
- **Obtaining the identification that must be presented for a learner's permit.** The My Services 2012 Fall Survey¹⁰ indicated that less than 60% of youth ages 15 and 16 had access to an original or certified copy of their birth certificate; and significantly fewer than half had a Social Security card. Another barrier for some is the frequent moves between states, counties, or community based care agencies—making retrieval of these documents more difficult.
- **Completing the required number of practice driving hours to meet the driver license qualifications.** The Florida high school drivers education course is an elective and free but does not provide an adequate number of driving hours. Many youth report that these classes fill quickly and are not always available to them or that they are already behind academically and must fill their schedule with required courses in order to advance to the next grade and graduate on time. If a student is not able to secure a spot in a high school driver education class, costs associated with summer or private driving schools can be prohibitive (\$50-\$250 and \$300-\$5,000, respectively). Still private driving schools do address the next challenge (below) by providing the vehicle and liability insurance for practice driving experience and the driver license test. Documentation of practice experience with a foster parent or residential group home provider is also challenging, so many teens in foster care generally have no one to teach them to drive.¹¹
- **Lack of funds for insurance or access to a car.** The State of Florida disallows an increase in insurance premiums when a foster youth is operating a vehicle with a learner's permit, and yet every foster parent interviewed as well as most providers were unaware of this statute. Still, liability imposed by the State on all car owners for any damages caused by a driver of their vehicle exposes foster parents and group home providers to risk when they provide their car to a youth with a learner's permit or a driver license. Youth under the age of 18 are not able to enter into insurance contracts. All of this along with higher insurance premiums for foster parents with additional drivers can serve as a disincentive for supporting youth in securing a driver license.

¹⁰ The Florida Department of Children and Families (DCF) implemented two surveys to capture data related to independent living services and outcomes: My Services Survey captures information from youth 13-17 years of age, and the Florida National Youth in Transition Database (NYTD) Survey captures data and tracks outcomes on young adults 18 to 22 years of age.

¹¹ Research from *A Voice Heard: Keys to Independence* (<http://guardianadlitem.org/wp-content/uploads/2014/08/FINAL-KEYS-8-1-13.pdf>).

THE KEYS TO INDEPENDENCE

In 2014 Florida was the first state to address these barriers through a three-year, statewide pilot funded by the Florida Department of Children and Families. The Keys to Independence Act, authorized by the Florida Legislature, will complete its final year of implementation in July 2017. Community Based Care of Central Florida (<http://www.cbccfl.org/>) was selected to develop and manage the project; and at least six other states have sought information on the legislation and its implementation, costs, and outcomes.

On any given day there are approximately 3,300 Florida teens residing in out-of-home care.¹² At the end of 2016, nearly 1300 teens in licensed foster care were enrolled in the pilot—exceeding its numeric goals.

The pilot reimbursed costs of driver's education and motor vehicle insurance for a child in licensed out-of-home care on a first come, first serve basis, providing preferential enrollment for kids who maintain appropriate progress in school.

In the 2017 Florida Legislature, CS/SB 60 and CS/HB 217¹³ propose to expand the pilot and make it a permanent, statewide program. The original pilot was limited to children in licensed foster homes and other residential group homes or facilities. The bill extends eligibility to children who are placed with relatives and in other non-licensed situations as well as provides benefits for up to six months after a child has reached permanency (as with family reunification or adoption) or turned 18 years of age. The court is required to revise a child's transition plan to include options for obtaining a driver license. The bill also provides that a guardian ad litem authorized by a minor's caregiver may sign for the minor's learner's permit and not assume any obligation or liability for damages caused by the minor. The current program is funded with an annual appropriation of \$800,000 and is not expected to require additional resources for the proposed expansion.



¹² Ibid.

¹³ Committee Substitute/Senate Bill 60 and Committee Substitute/House Bill 217.

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