

1 A bill to be entitled
2 An act relating to sexual exploitation; providing a short
3 title; amending s. 39.001, F.S.; providing legislative
4 intent and goals; conforming cross-references; amending s.
5 39.01, F.S.; revising the definitions of the terms
6 "abuse," "child who is found to be dependent," and "sexual
7 abuse of a child"; amending s. 39.401, F.S.; requiring
8 delivery of children alleged to be dependent and sexually
9 exploited to short-term safe houses; amending s. 39.402,
10 F.S.; providing for a presumption that placement of a
11 child alleged to have been sexually exploited in a short-
12 term safe house is necessary; providing requirements for
13 findings in a shelter hearing relating to placement of an
14 allegedly sexually exploited child in a short-term safe
15 house; amending s. 39.521, F.S.; providing for a
16 presumption that placement of a child alleged to have been
17 sexually exploited in a safe house is necessary; creating
18 s. 39.524, F.S.; requiring assessment of certain children
19 for placement in a safe house; providing for use of such
20 assessments; providing requirements for safe houses
21 receiving such children; requiring an annual report
22 concerning safe-house placements; amending s. 322.28,
23 F.S.; conforming a cross-reference; creating s. 409.1678,
24 F.S.; providing legislative intent relating to safe
25 houses; providing definitions; requiring districts of the
26 Department of Children and Family Services to address
27 child welfare service needs of sexually exploited children
28 as a component of their master plans; providing for

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operation of safe houses; providing duties, responsibilities, and requirements for safe houses and their operators; providing for training for law enforcement officials who are likely to encounter sexually exploited children; amending s. 796.07, F.S.; revising prohibitions on prostitution and related acts; providing a civil penalty for use or threatened use of a deadly weapon during the commission of specified offenses; providing for an increased civil penalty and disposition of proceeds; conforming a cross-reference; amending s. 960.065, F.S.; allowing victim compensation for sexually exploited children; amending s. 985.115, F.S.; conforming a provision to changes made by the act; amending ss. 985.145 and 985.15, F.S.; providing a presumption against filing a delinquency petition for certain prostitution-related offenses in certain circumstances; providing an effective date.

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

Section 1. This act may be cited as the "Florida Safe Harbor Act."

Section 2. Subsections (4) through (12) of section 39.001, Florida Statutes, are renumbered as subsections (5) through (13), respectively, paragraph (c) of present subsection (7) and paragraph (b) of present subsection (9) are amended, and a new subsection (4) is added to that section, to read:

39.001 Purposes and intent; personnel standards and

57 screening.—

58 (4) SEXUAL EXPLOITATION SERVICES.—

59 (a) The Legislature recognizes that child sexual
60 exploitation is a serious problem nationwide and in this state.
61 The children at greatest risk of being sexually exploited are
62 runaways and throwaways. Many of these children have a history
63 of abuse and neglect. The vulnerability of these children starts
64 with isolation from family and friends. Traffickers maintain
65 control of child victims through psychological manipulation,
66 force, drug addiction, or the exploitation of economic,
67 physical, or emotional vulnerability. Children exploited through
68 the sex trade often find it difficult to trust adults because of
69 their abusive experiences. These children make up a population
70 that is difficult to serve and even more difficult to
71 rehabilitate. Although minors are by law unable to consent to
72 sexual activity, they are most often treated as perpetrators of
73 crime rather than victims. Moreover, the historical treatment of
74 such children as delinquents has too often resulted in the
75 failure to successfully prosecute the trafficker, who is the
76 true wrongdoer and threat to society.

77 (b) The Legislature establishes the following goals for
78 the state related to the status and treatment of sexually
79 exploited children in the dependency process:

- 80 1. To ensure the safety of children.
81 2. To provide for the treatment of such children as
82 dependent children rather than as delinquents.

83 3. To sever the bond between exploited children and
84 traffickers and to reunite these children with their families or
85 provide them with appropriate guardians.

86 4. To enable such children to be willing and reliable
87 witnesses in the prosecution of traffickers.

88 (c) The Legislature finds that sexually exploited children
89 need special care and services in the dependency process,
90 including counseling, health care, substance abuse treatment,
91 educational opportunities, and a safe environment secure from
92 traffickers.

93 (d) The Legislature further finds that sexually exploited
94 children need the special care and services described in
95 paragraph (c) independent of their citizenship, residency,
96 alien, or immigrant status. It is the intent of the Legislature
97 that this state provide such care and services to all sexually
98 exploited children in this state who are not otherwise receiving
99 comparable services, such as those under the federal Trafficking
100 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

101 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

102 (c) The office is authorized and directed to:

103 1. Oversee the preparation and implementation of the state
104 plan established under subsection (9) ~~(8)~~ and revise and update
105 the state plan as necessary.

106 2. Provide for or make available continuing professional
107 education and training in the prevention of child abuse and
108 neglect.

109 3. Work to secure funding in the form of appropriations,
110 gifts, and grants from the state, the Federal Government, and

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other public and private sources in order to ensure that sufficient funds are available for the promotion of adoption, support of adoptive families, and child abuse prevention efforts.

4. Make recommendations pertaining to agreements or contracts for the establishment and development of:

a. Programs and services for the promotion of adoption, support of adoptive families, and prevention of child abuse and neglect.

b. Training programs for the prevention of child abuse and neglect.

c. Multidisciplinary and discipline-specific training programs for professionals with responsibilities affecting children, young adults, and families.

d. Efforts to promote adoption.

e. Postadoptive services to support adoptive families.

5. Monitor, evaluate, and review the development and quality of local and statewide services and programs for the promotion of adoption, support of adoptive families, and prevention of child abuse and neglect and shall publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President of the Senate, the head of each state agency affected by the report, and the appropriate substantive committees of the Legislature. The report shall include:

a. A summary of the activities of the office.

b. A summary of the adoption data collected and reported

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139 to the federal Adoption and Foster Care Analysis and Reporting
140 System (AFCARS) and the federal Administration for Children and
141 Families.

142 c. A summary of the child abuse prevention data collected
143 and reported to the National Child Abuse and Neglect Data System
144 (NCANDS) and the federal Administration for Children and
145 Families.

146 d. A summary detailing the timeliness of the adoption
147 process for children adopted from within the child welfare
148 system.

149 e. Recommendations, by state agency, for the further
150 development and improvement of services and programs for the
151 promotion of adoption, support of adoptive families, and
152 prevention of child abuse and neglect.

153 f. Budget requests, adoption promotion and support needs,
154 and child abuse prevention program needs by state agency.

155 6. Work with the direct-support organization established
156 under s. 39.0011 to receive financial assistance.

157 (10)~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

158 (b) The office and the other agencies and organizations
159 listed in paragraph (9)~~(8)~~(a) shall readdress the state plan and
160 make necessary revisions every 5 years, at a minimum. Such
161 revisions shall be submitted to the Speaker of the House of
162 Representatives and the President of the Senate no later than
163 June 30 of each year divisible by 5. At least biennially, the
164 office shall review the state plan and make any necessary
165 revisions based on changing needs and program evaluation
166 results. An annual progress report shall be submitted to update

the state plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

Section 3. Subsections (2) and (15) and paragraph (g) of subsection (67) of section 39.01, Florida Statutes, are amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(2) "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

(15) "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's parent or parents or legal custodians;

(b) To have been surrendered to the department, the former

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Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;

(e) To have no parent or legal custodians capable of providing supervision and care; ~~or~~

(f) To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or

(g) To have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

(67) "Sexual abuse of a child" means one or more of the following acts:

(g) The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in prostitution; or allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; ~~or~~

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223 2. Engage in a sexual performance, as defined by chapter
224 827; or

225 3. Participate in the trade of sex trafficking as provided
226 in s. 796.035.

227 Section 4. Paragraph (b) of subsection (2) and paragraph
228 (b) of subsection (3) of section 39.401, Florida Statutes, are
229 amended to read:

230 39.401 Taking a child alleged to be dependent into
231 custody; law enforcement officers and authorized agents of the
232 department.—

233 (2) If the law enforcement officer takes the child into
234 custody, that officer shall:

235 (b) Deliver the child to an authorized agent of the
236 department, stating the facts by reason of which the child was
237 taken into custody and sufficient information to establish
238 probable cause that the child is abandoned, abused, or
239 neglected, or otherwise dependent. In the case of a child for
240 whom there is probable cause to believe he or she has been
241 sexually exploited, the law enforcement officer shall deliver
242 the child to the appropriate short-term safe house as provided
243 for in s. 409.1678 if a short-term safe house is available.

244
245 For cases involving allegations of abandonment, abuse, or
246 neglect, or other dependency cases, within 3 days after such
247 release or within 3 days after delivering the child to an
248 authorized agent of the department, the law enforcement officer
249 who took the child into custody shall make a full written report
250 to the department.

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251 (3) If the child is taken into custody by, or is delivered
252 to, an authorized agent of the department, the agent shall
253 review the facts supporting the removal with an attorney
254 representing the department. The purpose of the review is to
255 determine whether there is probable cause for the filing of a
256 shelter petition.

257 (b) If the facts are sufficient and the child has not been
258 returned to the custody of the parent or legal custodian, the
259 department shall file the petition and schedule a hearing, and
260 the attorney representing the department shall request that a
261 shelter hearing be held within 24 hours after the removal of the
262 child. While awaiting the shelter hearing, the authorized agent
263 of the department may place the child in licensed shelter care,
264 or in a short-term safe house if the child is a sexually
265 exploited child, or may release the child to a parent or legal
266 custodian or responsible adult relative or the adoptive parent
267 of the child's sibling who shall be given priority consideration
268 over a licensed placement, or a responsible adult approved by
269 the department if this is in the best interests of the child.
270 Placement of a child which is not in a licensed shelter must be
271 preceded by a criminal history records check as required under
272 s. 39.0138. In addition, the department may authorize placement
273 of a housekeeper/homemaker in the home of a child alleged to be
274 dependent until the parent or legal custodian assumes care of
275 the child.

276 Section 5. Subsection (2) and paragraphs (a), (d), and (h)
277 of subsection (8) of section 39.402, Florida Statutes, are
278 amended to read:

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39.402 Placement in a shelter.—

(2) A child taken into custody may be placed or continued in a shelter only if one or more of the criteria in subsection (1) apply ~~applies~~ and the court has made a specific finding of fact regarding the necessity for removal of the child from the home and has made a determination that the provision of appropriate and available services will not eliminate the need for placement. In the case of a child who is alleged to have been sexually exploited, there is a rebuttable presumption that placement in a short-term safe house is necessary.

(8) (a) A child may not be held in a shelter longer than 24 hours unless an order so directing is entered by the court after a shelter hearing. In the interval until the shelter hearing is held, the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator. In the case of a child who is alleged to have been sexually exploited, there is a rebuttable presumption that placement in a short-term safe house is necessary.

(d) At the shelter hearing, in order to continue the child in shelter care:

1. The department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement;

2. The department must establish probable cause for the belief that the child has been sexually exploited and, therefore, that placement in a short-term safe house is the most appropriate environment for the child; or

307 ~~3.2.~~ The court must determine that additional time is
308 necessary, which may not exceed 72 hours, in which to obtain and
309 review documents pertaining to the family in order to
310 appropriately determine the risk to the child during which time
311 the child shall remain in the department's custody, if so
312 ordered by the court.

313 (h) The order for placement of a child in shelter care
314 must identify the parties present at the hearing and must
315 contain written findings:

316 1. That placement in shelter care is necessary based on
317 the criteria in subsections (1) and (2).

318 2. That placement in shelter care is in the best interest
319 of the child.

320 3. That continuation of the child in the home is contrary
321 to the welfare of the child because the home situation presents
322 a substantial and immediate danger to the child's physical,
323 mental, or emotional health or safety which cannot be mitigated
324 by the provision of preventive services.

325 4. That based upon the allegations of the petition for
326 placement in shelter care, there is probable cause to believe
327 that the child is dependent or that the court needs additional
328 time, which may not exceed 72 hours, in which to obtain and
329 review documents pertaining to the family in order to
330 appropriately determine the risk to the child.

331 5. That the department has made reasonable efforts to
332 prevent or eliminate the need for removal of the child from the
333 home. A finding of reasonable effort by the department to
334 prevent or eliminate the need for removal may be made and the

department is deemed to have made reasonable efforts to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal of the home situation by the department indicates that the home situation presents a substantial and immediate danger to the child's physical, mental, or emotional health or safety which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or because, even with appropriate and available services being provided, the health and safety of the child cannot be ensured;

d. The child has been sexually exploited; or

e.d. The parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).

6. That the court notified the parents, relatives that are providing out-of-home care for the child, or legal custodians of the time, date, and location of the next dependency hearing and of the importance of the active participation of the parents, relatives that are providing out-of-home care for the child, or legal custodians in all proceedings and hearings.

7. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the

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procedures set forth in s. 39.013.

8. That the court notified relatives who are providing out-of-home care for a child as a result of the shelter petition being granted that they have the right to attend all subsequent hearings, to submit reports to the court, and to speak to the court regarding the child, if they so desire.

Section 6. Paragraph (f) of subsection (1) and paragraph (d) of subsection (3) of section 39.521, Florida Statutes, are amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child is removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department made a reasonable effort to reunify the parent and child. Reasonable efforts to reunify are not required if the court finds that any of the acts listed in s. 39.806(1)(f)-(1)

391 have occurred. The department has the burden of demonstrating
392 that it made reasonable efforts.

393 1. For the purposes of this paragraph, the term
394 "reasonable effort" means the exercise of reasonable diligence
395 and care by the department to provide the services ordered by
396 the court or delineated in the case plan.

397 2. In support of its determination as to whether
398 reasonable efforts have been made, the court shall:

399 a. Enter written findings as to whether prevention or
400 reunification efforts were indicated.

401 b. If prevention or reunification efforts were indicated,
402 include a brief written description of what appropriate and
403 available prevention and reunification efforts were made.

404 c. Indicate in writing why further efforts could or could
405 not have prevented or shortened the separation of the parent and
406 child.

407 3. A court may find that the department made a reasonable
408 effort to prevent or eliminate the need for removal if:

409 a. The first contact of the department with the family
410 occurs during an emergency;

411 b. The appraisal by the department of the home situation
412 indicates a substantial and immediate danger to the child's
413 safety or physical, mental, or emotional health which cannot be
414 mitigated by the provision of preventive services;

415 c. The child cannot safely remain at home, because there
416 are no preventive services that can ensure the health and safety
417 of the child or, even with appropriate and available services
418 being provided, the health and safety of the child cannot be

419 ensured. There is a rebuttable presumption that any child who
420 has been found to be a victim of sexual exploitation as defined
421 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or

422 d. The parent is alleged to have committed any of the acts
423 listed as grounds for expedited termination of parental rights
424 under s. 39.806(1)(f)-(l).

425 4. A reasonable effort by the department for reunification
426 has been made if the appraisal of the home situation by the
427 department indicates that the severity of the conditions of
428 dependency is such that reunification efforts are inappropriate.
429 The department has the burden of demonstrating to the court that
430 reunification efforts were inappropriate.

431 5. If the court finds that the prevention or reunification
432 effort of the department would not have permitted the child to
433 remain safely at home, the court may commit the child to the
434 temporary legal custody of the department or take any other
435 action authorized by this chapter.

436 (3) When any child is adjudicated by a court to be
437 dependent, the court shall determine the appropriate placement
438 for the child as follows:

439 (d) If the child cannot be safely placed in a nonlicensed
440 placement, the court shall commit the child to the temporary
441 legal custody of the department. Such commitment invests in the
442 department all rights and responsibilities of a legal custodian.
443 The department shall not return any child to the physical care
444 and custody of the person from whom the child was removed,
445 except for court-approved visitation periods, without the
446 approval of the court. Any order for visitation or other contact

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447 must conform to the provisions of s. 39.0139. There is a
448 rebuttable presumption that any child who has been found to be a
449 victim of sexual exploitation as defined in s. 39.01(67)(g) be
450 committed to a safe house as provided for in s. 409.1678. The
451 term of such commitment continues until terminated by the court
452 or until the child reaches the age of 18. After the child is
453 committed to the temporary legal custody of the department, all
454 further proceedings under this section are governed by this
455 chapter.

456
457 Protective supervision continues until the court terminates it
458 or until the child reaches the age of 18, whichever date is
459 first. Protective supervision shall be terminated by the court
460 whenever the court determines that permanency has been achieved
461 for the child, whether with a parent, another relative, or a
462 legal custodian, and that protective supervision is no longer
463 needed. The termination of supervision may be with or without
464 retaining jurisdiction, at the court's discretion, and shall in
465 either case be considered a permanency option for the child. The
466 order terminating supervision by the department shall set forth
467 the powers of the custodian of the child and shall include the
468 powers ordinarily granted to a guardian of the person of a minor
469 unless otherwise specified. Upon the court's termination of
470 supervision by the department, no further judicial reviews are
471 required, so long as permanency has been established for the
472 child.

473 Section 7. Section 39.524, Florida Statutes, is created to
474 read:

39.524 Safe-harbor placement.—

(1) Except as provided in s. 39.407, any dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in s. 39.01(67)(g) must be assessed for placement in a safe house as provided in s. 409.1678. The assessment shall be conducted by the department or its agent and shall incorporate and address current and historical information from any law enforcement reports; psychological testing or evaluation that has occurred; current and historical information from the guardian ad litem, if one has been assigned; current and historical information from any current therapist, teacher, or other professional who has knowledge of the child and has worked with the child; and any other information concerning the availability and suitability of safe-house placement. If such placement is determined to be appropriate as a result of this procedure, the child must be placed in a safe house, if one is available.

(2) The results of the assessment described in subsection (1) and the actions taken as a result of the assessment must be included in the next judicial review of the child. At each subsequent judicial review, the court must be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement and the permanency planning for the child.

(3) Any safe house that receives children under this section shall establish special permanency teams dedicated to overcoming the special permanency challenges presented by this population of children. Each facility shall report to the

department its success in achieving permanency for children
placed by the department in its care at intervals that allow the
current information to be provided to the court at each judicial
review for the child.

(4) (a) 1. By December 1 of each year, the department shall
report to the Legislature on the placement of children in safe
houses during the year, including 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.

2. The department shall maintain data specifying the
number of children who were referred to a safe house for whom
placement was unavailable and the counties in which such
placement was unavailable. The department shall include this
data in its report under this paragraph so that the Legislature
may consider this information in developing the General
Appropriations Act.

(b) As part of the report required in paragraph (a), the
department shall also provide a detailed account of the
expenditures incurred for "Special Categories: Grants and Aids-
Safe Houses" for the fiscal year immediately preceding the date
of the report. This section of the report must include whatever
supporting data is necessary to demonstrate full compliance with
s. 409.1678(3) (b). The document must present the information by
district and must specify, at a minimum, the number of
additional beds, the average rate per bed, the number of

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530 additional persons served, and a description of the enhanced and
531 expanded services provided.

532 Section 8. Subsection (7) of section 322.28, Florida
533 Statutes, is amended to read:

534 322.28 Period of suspension or revocation.—

535 (7) Following a second or subsequent violation of s.
536 796.07(2) (e) ~~(f)~~ which involves a motor vehicle and which results
537 in any judicial disposition other than acquittal or dismissal,
538 in addition to any other sentence imposed, the court shall
539 revoke the person's driver's license or driving privilege,
540 effective upon the date of the disposition, for a period of not
541 less than 1 year. A person sentenced under this subsection may
542 request a hearing under s. 322.271.

543 Section 9. Section 409.1678, Florida Statutes, is created
544 to read:

545 409.1678 Safe harbor for children who are victims of
546 sexual exploitation.—

547 (1) It is the intent of the Legislature to provide safe
548 houses and short-term safe houses for sexually exploited
549 children to give them a secure residential environment; to allow
550 them to be reintegrated into society as stable and productive
551 members; and, if appropriate, to enable them to testify as
552 witnesses in criminal proceedings related to their exploitation.
553 Such children require a full range of services in addition to
554 security, including medical care, counseling, education, and
555 mentoring. These services are to be provided in a secure
556 residential setting by a not-for-profit corporation or a local
557 government entity under a contract with the department or by a

558 lead agency as described in s. 409.1671, provided that the
559 expenditure of funds for such services is calculated by the
560 department to be a potential cost savings and more cost-
561 effective than those otherwise provided by the government. These
562 contracts should be designed to provide an identified number of
563 children with access to a full array of services for a fixed
564 price. Further, it is the intent of the Legislature that the
565 department and the Department of Juvenile Justice establish an
566 interagency agreement by December 1, 2011, that describes
567 respective agency responsibilities for referral, placement,
568 service provision, and service coordination for dependent and
569 delinquent youth who are referred to these residential group
570 care facilities. The agreement must require interagency
571 collaboration in the development of terms, conditions, and
572 performance outcomes for safe-house contracts serving children
573 who have been adjudicated dependent or delinquent.

574 (2) As used in this section, the term:

575 (a) "Child advocate" means an employee of a short-term
576 safe house who has been trained to work with and advocate for
577 the needs of sexually exploited children. The advocate shall
578 accompany the child to all court appearances, meetings with law
579 enforcement, and the state attorney's office and shall serve as
580 a liaison between the short-term safe house and the court.

581 (b) "Safe house" means a living environment that has set
582 aside gender-specific, separate, and distinct living quarters
583 for sexually exploited children who have been adjudicated
584 dependent or delinquent and need to reside in a secure
585 residential facility with staff members awake 24 hours a day. A

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586 safe house shall be operated by a licensed family foster home or
587 residential child-caring agency as defined in s. 409.175,
588 including a runaway youth center as defined in s. 409.441. Each
589 facility must be appropriately licensed in this state as a
590 residential child-caring agency as defined in s. 409.175 and
591 must be accredited by July 1, 2012. A safe house serving
592 children who have been sexually exploited must have available
593 staff or contract personnel with the clinical expertise,
594 credentials, and training to provide services identified in
595 paragraph (3) (e).

596 (c) "Secure" means that a child is supervised 24 hours a
597 day by staff members who are awake while on duty.

598 (d) "Sexually exploited child" means a dependent child who
599 has suffered sexual exploitation as defined in s. 39.01(67) (g)
600 and is ineligible for relief and benefits under the federal
601 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

602 (e) "Short-term safe house" means a shelter operated by a
603 licensed residential child-caring agency as defined in s.
604 409.175, including a runaway youth center as defined in s.
605 409.441, that has set aside gender-specific, separate, and
606 distinct living quarters for sexually exploited children. In
607 addition to shelter, the house shall provide services and care
608 to sexually exploited children, including food, clothing,
609 medical care, counseling, and appropriate crisis intervention
610 services at the time they are taken into custody by law
611 enforcement or the department.

612 (3) (a) Notwithstanding any other provision of law,
613 pursuant to regulations of the department, every district of the

department shall address the child welfare service needs of sexually exploited children as a component of the district's master plan and, to the extent that funds are available, ensure that preventive services, including a short-term safe house to serve sexually exploited children, are available to children residing in the district. The department or a lead agency that has been established in accordance with s. 409.1671 shall contract with an appropriate not-for-profit agency having experience working with sexually exploited children to operate such a short-term safe house. This section does not prohibit a district from using a homeless youth program or services for victims of human trafficking for such purposes so long as the staff members have received appropriate training approved by the department regarding sexually exploited children and the existing programs and facilities provide a safe, secure, and appropriate environment for sexually exploited children. Crisis intervention services, short-term safe-house care, and community programming may, where appropriate, be provided by the same not-for-profit agency. Districts may work cooperatively to provide such short-term safe-house services and programming, and access to such placement, services, and programming may be provided on a regional basis, provided that every district ensures, to the extent that funds are available, that such placement, services, and programs are readily accessible to sexually exploited children residing within the district.

(b) The capacity of the services and programs described in subsection (1) shall be based on the number of sexually exploited children in each district who are in need of such

642 services. A determination of such need shall be made annually in
643 every district by the local administrator of the department and
644 be included in the department's master plan. This determination
645 shall be made in consultation with local law enforcement,
646 runaway and homeless youth program providers, local probation
647 departments, local community-based care and social services,
648 local guardians ad litem, public defenders, state attorney's
649 offices, and child advocates and services providers who work
650 directly with sexually exploited youth.

651 (c) The department shall contract with an appropriate not-
652 for-profit agency having experience working with sexually
653 exploited children to operate at least one safe house in a
654 geographically appropriate area of the state, which shall
655 provide safe and secure long-term housing and specialized
656 services for sexually exploited children throughout the state.
657 The appropriateness of the geographic location shall be
658 determined by the department, taking into account the areas of
659 the state with high numbers of sexually exploited children and
660 the need for sexually exploited children to find shelter and
661 long-term placement in a secure and beneficial environment. The
662 department shall determine the need for more than one safe house
663 based on the numbers and geographical location of sexually
664 exploited children within the state.

665 (d) The department shall contract with a not-for-profit
666 corporation, a local government entity, or a lead agency that
667 has been established in accordance with s. 409.1671 for the
668 performance of short-term safe-house and safe-house services
669 described in this section. A lead agency that is currently

670 providing the equivalent of a safe house may provide this
671 service directly with the approval of the department. The
672 department or a lead agency may contract for more than one
673 short-term safe house in a district and more than one safe house
674 in the state if that is determined to be the most effective way
675 to achieve the goals of this section.

676 (e) The lead agency, the contracted not-for-profit
677 corporation, or the local government entity is responsible for
678 security, crisis intervention services, general counseling and
679 victim-witness counseling, a comprehensive assessment,
680 residential care, transportation, access to behavioral health
681 services, recreational activities, food, clothing, supplies,
682 infant care, and miscellaneous expenses associated with caring
683 for these children; for necessary arrangement for or provision
684 of educational services, including life skills services and
685 planning services to successfully transition residents back to
686 the community; and for ensuring necessary and appropriate health
687 and dental care.

688 (f) The department may transfer all casework
689 responsibilities for children served under this section to the
690 entity that provides the safe-house service, including case
691 management and development and implementation of a case plan in
692 accordance with current standards for child protection services.
693 When the department establishes a program under this section in
694 a community that has a lead agency as described in s. 409.1671,
695 the casework responsibilities must be transferred to the lead
696 agency.

697 (g) This section does not prohibit any provider of these
698 services from appropriately billing Medicaid for services
699 rendered, from contracting with a local school district for
700 educational services, or from obtaining federal or local funding
701 for services provided, as long as two or more funding sources do
702 not pay for the same specific service that has been provided to
703 a child.

704 (h) The lead agency, not-for-profit corporation, or local
705 government entity has the legal authority for children served in
706 a safe-house program, as provided in chapter 39 or this chapter,
707 as appropriate, to enroll the child in school, to sign for a
708 driver's license for the child, to cosign loans and insurance
709 for the child, to sign for medical treatment of the child, and
710 to authorize other such activities.

711 (i) The department shall provide technical assistance as
712 requested and contract management services.

713 (j) This section shall be implemented to the extent that
714 appropriations contained in the General Appropriations Act are
715 available for such purpose.

716 (k) The department may adopt rules pursuant to ss.
717 120.536(1) and 120.54 to implement the provisions of this
718 section conferring duties upon it.

719 (l) All of the services created under this section may, to
720 the extent possible provided by law, be available to all
721 sexually exploited children whether they are accessed
722 voluntarily, as a condition of probation, through a diversion
723 program, through a proceeding under chapter 39, or through a

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724 referral from a local community-based care or social service
725 agency.

726 (4) The local district administrator may, to the extent
727 that funds are available, in conjunction with local law
728 enforcement officials, contract with an appropriate not-for-
729 profit agency having experience working with sexually exploited
730 children to train law enforcement officials who are likely to
731 encounter sexually exploited children in the course of their law
732 enforcement duties on the provisions of this section and how to
733 identify and obtain appropriate services for sexually exploited
734 children. Districts may work cooperatively to provide such
735 training, and such training may be provided on a regional basis.
736 The department shall assist districts in obtaining any available
737 funds for the purposes of conducting law enforcement training
738 from the Office of Juvenile Justice and Delinquency Prevention
739 of the United States Department of Justice.

740 Section 10. Present subsections (2) and (6) of section
741 796.07, Florida Statutes, are amended, present subsections (3)
742 through (6) are renumbered as subsections (4) through (7),
743 respectively, and a new subsection (3) is added to that section,
744 to read:

745 796.07 Prohibiting prostitution and related acts, ~~etc.;~~
746 ~~evidence; penalties; definitions.~~

747 (2) It is unlawful to:

748 (a) ~~To~~ Own, establish, maintain, or operate any place,
749 structure, building, or conveyance for the purpose of lewdness,
750 assignation, or prostitution.

751 (b) ~~To~~ Offer, or to offer or agree to secure, another for

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the purpose of prostitution or for any other lewd or indecent act.

(c) ~~To~~ Receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.

(d) ~~To~~ Direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

~~(e) To offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.~~

~~(e)(f) To~~ Solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.

(f) Use or threaten to use a deadly weapon during the commission of one of the offenses enumerated in subsection (3).

(g) Have committed one of the offenses enumerated in subsection (3) and be in violation of s. 796.08(4) or (5).

~~(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.~~

~~(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.~~

~~(i) To purchase the services of any person engaged in prostitution.~~

(3) It is unlawful for any person 16 years of age or older

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780 to:

781 (a) Purchase the services of any person engaged in
782 prostitution.

783 (b) Offer to commit, or to commit, or to engage in,
784 prostitution, lewdness, or assignation.

785 (c) Reside in, enter, or remain in any place, structure,
786 or building, or enter or remain in any conveyance, for the
787 purpose of prostitution, lewdness, or assignation.

788 (d) Aid, abet, or participate in any of the acts or things
789 enumerated in subsection (2) or this subsection.

790 (7) ~~(6)~~ A person who violates paragraph (2) (e) or paragraph
791 (2) (f) shall be assessed a civil penalty of \$5,000 ~~\$500~~ if the
792 violation results in any judicial disposition other than
793 acquittal or dismissal. Of the proceeds from each penalty
794 penalties assessed under this subsection, \$500 shall be paid to
795 the circuit court administrator for the sole purpose of paying
796 the administrative costs of treatment-based drug court programs
797 provided under s. 397.334 and \$4,500 shall be paid to the
798 Department of Children and Family Services for the sole purpose
799 of funding safe houses and short-term safe houses as provided in
800 s. 409.1678.

801 Section 11. Section 960.065, Florida Statutes, is amended
802 to read:

803 960.065 Eligibility for awards.—

804 (1) Except as provided in subsection (2), the following
805 persons shall be eligible for awards pursuant to this chapter:

806 (a) A victim.

807 (b) An intervenor.

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(c) A surviving spouse, parent or guardian, sibling, or child of a deceased victim or intervenor.

(d) Any other person who is dependent for his or her principal support upon a deceased victim or intervenor.

(2) Any claim filed by or on behalf of a person who:

(a) Committed or aided in the commission of the crime upon which the claim for compensation was based;

(b) Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based;

(c) Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the claim for compensation is based;

(d) Has been adjudicated as a habitual felony offender, habitual violent offender, or violent career criminal under s. 775.084; or

(e) Has been adjudicated guilty of a forcible felony offense as described in s. 776.08,

is ineligible ~~shall not be eligible~~ for an award.

(3) Any claim filed by or on behalf of a person who was in custody or confined, regardless of adjudication, in a county or municipal facility, a state or federal correctional facility, or a juvenile detention, commitment, or assessment facility at the time of the crime upon which the claim is based, who has been adjudicated as a habitual felony offender under s. 775.084, or who has been adjudicated guilty of a forcible felony offense as

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described in s. 776.08, renders the person ineligible ~~shall not~~
~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
finding by the Crime Victims' Services Office of the existence
of mitigating or special circumstances that would render such a
disqualification unjust, an award may be approved. A decision
that mitigating or special circumstances do not exist in a case
subject to this section does ~~shall~~ not constitute final agency
action subject to review pursuant to ss. 120.569 and 120.57.

(4) Payment may not be made under this chapter if the
person who committed the crime upon which the claim is based
will receive any direct or indirect financial benefit from such
payment, unless such benefit is minimal or inconsequential.
Payment may not be denied based on the victim's familial
relationship to the offender or based upon the sharing of a
residence by the victim and offender, except to prevent unjust
enrichment of the offender.

(5) A person is not ineligible for an award pursuant to
paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
person is a victim of sexual exploitation of a child as defined
in s. 39.01(67)(g).

Section 12. Paragraph (b) of subsection (2) of section
985.115, Florida Statutes, is amended to read:

985.115 Release or delivery from custody.—

(2) Unless otherwise ordered by the court under s. 985.255
or s. 985.26, and unless there is a need to hold the child, a
person taking a child into custody shall attempt to release the
child as follows:

(b) Contingent upon specific appropriation, to a shelter

864 approved by the department or to an authorized agent or short-
865 term safe house under s. 39.401(2)(b).

866 Section 13. Paragraph (i) of subsection (1) of section
867 985.145, Florida Statutes, is amended to read:

868 985.145 Responsibilities of juvenile probation officer
869 during intake; screenings and assessments.—

870 (1) The juvenile probation officer shall serve as the
871 primary case manager for the purpose of managing, coordinating,
872 and monitoring the services provided to the child. Each program
873 administrator within the Department of Children and Family
874 Services shall cooperate with the primary case manager in
875 carrying out the duties and responsibilities described in this
876 section. In addition to duties specified in other sections and
877 through departmental rules, the assigned juvenile probation
878 officer shall be responsible for the following:

879 (i) Recommendation concerning a petition.—Upon determining
880 that the report, affidavit, or complaint complies with the
881 standards of a probable cause affidavit and that the interests
882 of the child and the public will be best served, the juvenile
883 probation officer may recommend that a delinquency petition not
884 be filed. If such a recommendation is made, the juvenile
885 probation officer shall advise in writing the person or agency
886 making the report, affidavit, or complaint, the victim, if any,
887 and the law enforcement agency having investigative jurisdiction
888 over the offense of the recommendation; the reasons therefor;
889 and that the person or agency may submit, within 10 days after
890 the receipt of such notice, the report, affidavit, or complaint
891 to the state attorney for special review. In the case of a

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892 report, affidavit, or complaint alleging a violation of s.
893 796.07(3), there is a presumption that the juvenile probation
894 officer recommend that a petition not be filed unless the child
895 has previously been adjudicated delinquent. The state attorney,
896 upon receiving a request for special review, shall consider the
897 facts presented by the report, affidavit, or complaint, and by
898 the juvenile probation officer who made the recommendation that
899 no petition be filed, before making a final decision as to
900 whether a petition or information should or should not be filed.

901 Section 14. Paragraph (c) of subsection (1) of section
902 985.15, Florida Statutes, is amended to read:

903 985.15 Filing decisions.—

904 (1) The state attorney may in all cases take action
905 independent of the action or lack of action of the juvenile
906 probation officer and shall determine the action that is in the
907 best interest of the public and the child. If the child meets
908 the criteria requiring prosecution as an adult under s. 985.556,
909 the state attorney shall request the court to transfer and
910 certify the child for prosecution as an adult or shall provide
911 written reasons to the court for not making such a request. In
912 all other cases, the state attorney may:

913 (c) File a petition for delinquency. In the case of a
914 report, affidavit, or complaint alleging a violation of s.
915 796.07(3), there is a presumption that a petition not be filed
916 unless the child has previously been adjudicated delinquent;

917 Section 15. This act shall take effect July 1, 2011.