

By the Committee on Children, Families, and Elder Affairs; and Senator Flores

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

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30 requirements for safe houses and their operators;  
31 providing for training for law enforcement officials  
32 who are likely to encounter sexually exploited  
33 children; amending s. 796.07, F.S.; providing for an  
34 increased civil penalty for soliciting another to  
35 commit prostitution or related acts; providing for  
36 disposition of proceeds; amending s. 960.065, F.S.;  
37 allowing victim compensation for sexually exploited  
38 children; amending s. 985.115, F.S.; conforming a  
39 provision to changes made by the act; providing an  
40 effective date.

41

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

43

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

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

51       39.001 Purposes and intent; personnel standards and  
52 screening.—

53       (4) SEXUAL EXPLOITATION SERVICES.—

54       (a) The Legislature recognizes that child sexual  
55 exploitation is a serious problem nationwide and in this state.  
56 The children at greatest risk of being sexually exploited are  
57 runaways and throwaways. Many of these children have a history  
58 of abuse and neglect. The vulnerability of these children starts

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59       with isolation from family and friends. Traffickers maintain  
60       control of child victims through psychological manipulation,  
61       force, drug addiction, or the exploitation of economic,  
62       physical, or emotional vulnerability. Children exploited through  
63       the sex trade often find it difficult to trust adults because of  
64       their abusive experiences. These children make up a population  
65       that is difficult to serve and even more difficult to  
66       rehabilitate.

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

70       1. To ensure the safety of children.

71       2. To provide for the treatment of such children as  
72       dependent children rather than as delinquents.

73       3. To sever the bond between exploited children and  
74       traffickers and to reunite these children with their families or  
75       provide them with appropriate guardians.

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

78       (c) The Legislature finds that sexually exploited children  
79       need special care and services in the dependency process,  
80       including counseling, health care, substance abuse treatment,  
81       educational opportunities, and a safe environment secure from  
82       traffickers.

83       (d) The Legislature further finds that sexually exploited  
84       children need the special care and services described in  
85       paragraph (c) independent of their citizenship, residency,  
86       alien, or immigrant status. It is the intent of the Legislature  
87       that this state provide such care and services to all sexually

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88       exploited children in this state who are not otherwise receiving  
89       comparable services, such as those under the federal Trafficking  
90       Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

91       (8)-(7) OFFICE OF ADOPTION AND CHILD PROTECTION.-

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

93           1. Oversee the preparation and implementation of the state  
94       plan established under subsection (9) ~~(8)~~ and revise and update  
95       the state plan as necessary.

96           2. Provide for or make available continuing professional  
97       education and training in the prevention of child abuse and  
98       neglect.

99           3. Work to secure funding in the form of appropriations,  
100       gifts, and grants from the state, the Federal Government, and  
101       other public and private sources in order to ensure that  
102       sufficient funds are available for the promotion of adoption,  
103       support of adoptive families, and child abuse prevention  
104       efforts.

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

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

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

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

115            d. Efforts to promote adoption.

116            e. Postadoptive services to support adoptive families.

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117       5. Monitor, evaluate, and review the development and  
118 quality of local and statewide services and programs for the  
119 promotion of adoption, support of adoptive families, and  
120 prevention of child abuse and neglect and shall publish and  
121 distribute an annual report of its findings on or before January  
122 1 of each year to the Governor, the Speaker of the House of  
123 Representatives, the President of the Senate, the head of each  
124 state agency affected by the report, and the appropriate  
125 substantive committees of the Legislature. The report shall  
126 include:

127       a. A summary of the activities of the office.  
128       b. A summary of the adoption data collected and reported to  
129 the federal Adoption and Foster Care Analysis and Reporting  
130 System (AFCARS) and the federal Administration for Children and  
131 Families.

132       c. A summary of the child abuse prevention data collected  
133 and reported to the National Child Abuse and Neglect Data System  
134 (NCANDS) and the federal Administration for Children and  
135 Families.

136       d. A summary detailing the timeliness of the adoption  
137 process for children adopted from within the child welfare  
138 system.

139       e. Recommendations, by state agency, for the further  
140 development and improvement of services and programs for the  
141 promotion of adoption, support of adoptive families, and  
142 prevention of child abuse and neglect.

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

145       6. Work with the direct-support organization established

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146 under s. 39.0011 to receive financial assistance.

147 (10) ~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

148 (b) The office and the other agencies and organizations  
149 listed in paragraph ~~(9)~~ ~~(8)~~(a) shall readdress the state plan and  
150 make necessary revisions every 5 years, at a minimum. Such  
151 revisions shall be submitted to the Speaker of the House of  
152 Representatives and the President of the Senate no later than  
153 June 30 of each year divisible by 5. At least biennially, the  
154 office shall review the state plan and make any necessary  
155 revisions based on changing needs and program evaluation  
156 results. An annual progress report shall be submitted to update  
157 the state plan in the years between the 5-year intervals. In  
158 order to avoid duplication of effort, these required plans may  
159 be made a part of or merged with other plans required by either  
160 the state or Federal Government, so long as the portions of the  
161 other state or Federal Government plan that constitute the state  
162 plan for the promotion of adoption, support of adoptive  
163 families, and prevention of child abuse, abandonment, and  
164 neglect are clearly identified as such and are provided to the  
165 Speaker of the House of Representatives and the President of the  
166 Senate as required above.

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

170 39.01 Definitions.—When used in this chapter, unless the  
171 context otherwise requires:

172 (2) "Abuse" means any willful act or threatened act that  
173 results in any physical, mental, or sexual abuse, injury, or  
174 harm that causes or is likely to cause the child's physical,

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175       mental, or emotional health to be significantly impaired. Abuse  
176       of a child includes acts or omissions. Corporal discipline of a  
177       child by a parent or legal custodian for disciplinary purposes  
178       does not in itself constitute abuse when it does not result in  
179       harm to the child.

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

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

184               (b) To have been surrendered to the department, the former  
185       Department of Health and Rehabilitative Services, or a licensed  
186       child-placing agency for purpose of adoption;

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

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

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

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

203               (g) To have been sexually exploited and to have no parent,

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204       legal custodian, or responsible adult relative currently known  
205       and capable of providing the necessary and appropriate  
206       supervision and care.

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

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

- 212           1. Solicit for or engage in prostitution; ~~or~~
- 213           2. Engage in a sexual performance, as defined by chapter  
214       827; or
- 215           3. Participate in the trade of sex trafficking as provided  
216       in s. 796.035.

217           Section 4. Paragraph (b) of subsection (2) and paragraph  
218       (b) of subsection (3) of section 39.401, Florida Statutes, are  
219       amended to read:

220           39.401 Taking a child alleged to be dependent into custody;  
221       law enforcement officers and authorized agents of the  
222       department.—

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

225           (b) Deliver the child to an authorized agent of the  
226       department, stating the facts by reason of which the child was  
227       taken into custody and sufficient information to establish  
228       probable cause that the child is abandoned, abused, or  
229       neglected, or otherwise dependent. In the case of a child for  
230       whom there is probable cause to believe he or she has been  
231       sexually exploited, the law enforcement officer may deliver the  
232       child to the appropriate short-term safe house as provided for

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233       in s. 409.1678 if a short-term safe house is available.

234

235       For cases involving allegations of abandonment, abuse, or  
236       neglect, or other dependency cases, within 3 days after such  
237       release or within 3 days after delivering the child to an  
238       authorized agent of the department, the law enforcement officer  
239       who took the child into custody shall make a full written report  
240       to the department.

241           (3) If the child is taken into custody by, or is delivered  
242       to, an authorized agent of the department, the agent shall  
243       review the facts supporting the removal with an attorney  
244       representing the department. The purpose of the review is to  
245       determine whether there is probable cause for the filing of a  
246       shelter petition.

247           (b) If the facts are sufficient and the child has not been  
248       returned to the custody of the parent or legal custodian, the  
249       department shall file the petition and schedule a hearing, and  
250       the attorney representing the department shall request that a  
251       shelter hearing be held within 24 hours after the removal of the  
252       child. While awaiting the shelter hearing, the authorized agent  
253       of the department may place the child in licensed shelter care,  
254       or in a short-term safe house if the child is a sexually  
255       exploited child, or may release the child to a parent or legal  
256       custodian or responsible adult relative or the adoptive parent  
257       of the child's sibling who shall be given priority consideration  
258       over a licensed placement, or a responsible adult approved by  
259       the department if this is in the best interests of the child.  
260       Placement of a child which is not in a licensed shelter must be  
261       preceded by a criminal history records check as required under

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262 s. 39.0138. In addition, the department may authorize placement  
263 of a housekeeper/homemaker in the home of a child alleged to be  
264 dependent until the parent or legal custodian assumes care of  
265 the child.

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

269       39.402 Placement in a shelter.—

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

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

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

289           1. The department must establish probable cause that  
290 reasonable grounds for removal exist and that the provision of

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291 appropriate and available services will not eliminate the need  
292 for placement;

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

297 3.2. The court must determine that additional time is  
298 necessary, which may not exceed 72 hours, in which to obtain and  
299 review documents pertaining to the family in order to  
300 appropriately determine the risk to the child during which time  
301 the child shall remain in the department's custody, if so  
302 ordered by the court.

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

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

308 2. That placement in shelter care is in the best interest  
309 of the child.

310 3. That continuation of the child in the home is contrary  
311 to the welfare of the child because the home situation presents  
312 a substantial and immediate danger to the child's physical,  
313 mental, or emotional health or safety which cannot be mitigated  
314 by the provision of preventive services.

315 4. That based upon the allegations of the petition for  
316 placement in shelter care, there is probable cause to believe  
317 that the child is dependent or that the court needs additional  
318 time, which may not exceed 72 hours, in which to obtain and  
319 review documents pertaining to the family in order to

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320 appropriately determine the risk to the child.

321       5. That the department has made reasonable efforts to  
322 prevent or eliminate the need for removal of the child from the  
323 home. A finding of reasonable effort by the department to  
324 prevent or eliminate the need for removal may be made and the  
325 department is deemed to have made reasonable efforts to prevent  
326 or eliminate the need for removal if:

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

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

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

339       d. The child has been sexually exploited; or

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

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

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349        7. That the court notified the parents or legal custodians  
350 of their right to counsel to represent them at the shelter  
351 hearing and at each subsequent hearing or proceeding, and the  
352 right of the parents to appointed counsel, pursuant to the  
353 procedures set forth in s. 39.013.

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

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

362        39.521 Disposition hearings; powers of disposition.—

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

371        (f) If the court places the child in an out-of-home  
372 placement, the disposition order must include a written  
373 determination that the child cannot safely remain at home with  
374 reunification or family preservation services and that removal  
375 of the child is necessary to protect the child. If the child is  
376 removed before the disposition hearing, the order must also  
377 include a written determination as to whether, after removal,

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378 the department made a reasonable effort to reunify the parent  
379 and child. Reasonable efforts to reunify are not required if the  
380 court finds that any of the acts listed in s. 39.806(1) (f)-(1)  
381 have occurred. The department has the burden of demonstrating  
382 that it made reasonable efforts.

383 1. For the purposes of this paragraph, the term "reasonable  
384 effort" means the exercise of reasonable diligence and care by  
385 the department to provide the services ordered by the court or  
386 delineated in the case plan.

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

389 a. Enter written findings as to whether prevention or  
390 reunification efforts were indicated.

391 b. If prevention or reunification efforts were indicated,  
392 include a brief written description of what appropriate and  
393 available prevention and reunification efforts were made.

394 c. Indicate in writing why further efforts could or could  
395 not have prevented or shortened the separation of the parent and  
396 child.

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

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

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

405 c. The child cannot safely remain at home, because there  
406 are no preventive services that can ensure the health and safety

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407 of the child or, even with appropriate and available services  
408 being provided, the health and safety of the child cannot be  
409 ensured. There is a rebuttable presumption that any child who  
410 has been found to be a victim of sexual exploitation as defined  
411 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or

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

415 4. A reasonable effort by the department for reunification  
416 has been made if the appraisal of the home situation by the  
417 department indicates that the severity of the conditions of  
418 dependency is such that reunification efforts are inappropriate.  
419 The department has the burden of demonstrating to the court that  
420 reunification efforts were inappropriate.

421 5. If the court finds that the prevention or reunification  
422 effort of the department would not have permitted the child to  
423 remain safely at home, the court may commit the child to the  
424 temporary legal custody of the department or take any other  
425 action authorized by this chapter.

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

429 (d) If the child cannot be safely placed in a nonlicensed  
430 placement, the court shall commit the child to the temporary  
431 legal custody of the department. Such commitment invests in the  
432 department all rights and responsibilities of a legal custodian.  
433 The department shall not return any child to the physical care  
434 and custody of the person from whom the child was removed,  
435 except for court-approved visitation periods, without the

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436 approval of the court. Any order for visitation or other contact  
437 must conform to the provisions of s. 39.0139. There is a  
438 rebuttable presumption that any child who has been found to be a  
439 victim of sexual exploitation as defined in s. 39.01(67) (g) be  
440 committed to a safe house as provided for in s. 409.1678. The  
441 term of such commitment continues until terminated by the court  
442 or until the child reaches the age of 18. After the child is  
443 committed to the temporary legal custody of the department, all  
444 further proceedings under this section are governed by this  
445 chapter.

446

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

463       Section 7. Section 39.524, Florida Statutes, is created to  
464 read:

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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. As used in this section, the term "available" as it relates to a placement means a placement that is located within the circuit or that is otherwise reasonably accessible.

(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

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494 overcoming the special permanency challenges presented by this  
495 population of children. Each facility shall report to the  
496 department its success in achieving permanency for children  
497 placed by the department in its care at intervals that allow the  
498 current information to be provided to the court at each judicial  
499 review for the child.

500 (4) (a) By December 1 of each year, the department shall  
501 report to the Legislature on the placement of children in safe  
502 houses during the year, including the criteria used to determine  
503 the placement of children, the number of children who were  
504 evaluated for placement, the number of children who were placed  
505 based upon the evaluation, and the number of children who were  
506 not placed.

507 (b) The department shall maintain data specifying the  
508 number of children who were referred to a safe house for whom  
509 placement was unavailable and the counties in which such  
510 placement was unavailable. The department shall include this  
511 data in its report under this subsection so that the Legislature  
512 may consider this information in developing the General  
513 Appropriations Act.

514 Section 8. Section 409.1678, Florida Statutes, is created  
515 to read:

516 409.1678 Safe harbor for children who are victims of sexual  
517 exploitation.—

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

519 (a) "Child advocate" means an employee of a short-term safe  
520 house who has been trained to work with and advocate for the  
521 needs of sexually exploited children. The advocate shall  
522 accompany the child to all court appearances, meetings with law

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523 enforcement, and the state attorney's office and shall serve as  
524 a liaison between the short-term safe house and the court.

525 (b) "Safe house" means a living environment that has set  
526 aside gender-specific, separate, and distinct living quarters  
527 for sexually exploited children who have been adjudicated  
528 dependent or delinquent and need to reside in a secure  
529 residential facility with staff members awake 24 hours a day. A  
530 safe house shall be operated by a licensed family foster home or  
531 residential child-caring agency as defined in s. 409.175,  
532 including a runaway youth center as defined in s. 409.441. Each  
533 facility must be appropriately licensed in this state as a  
534 residential child-caring agency as defined in s. 409.175 and  
535 must be accredited by July 1, 2013. A safe house serving  
536 children who have been sexually exploited must have available  
537 staff or contract personnel with the clinical expertise,  
538 credentials, and training to provide services identified in  
539 paragraph (2) (b).

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

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

546 (e) "Short-term safe house" means a shelter operated by a  
547 licensed residential child-caring agency as defined in s.  
548 409.175, including a runaway youth center as defined in s.  
549 409.441, that has set aside gender-specific, separate, and  
550 distinct living quarters for sexually exploited children. In  
551 addition to shelter, the house shall provide services and care

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552 to sexually exploited children, including food, clothing,  
553 medical care, counseling, and appropriate crisis intervention  
554 services at the time they are taken into custody by law  
555 enforcement or the department.

556 (2) (a) Notwithstanding any other provision of law, pursuant  
557 to regulations of the department, every circuit of the  
558 department shall address the child welfare service needs of  
559 sexually exploited children as a component of the circuit's  
560 master plan. This determination shall be made in consultation  
561 with local law enforcement, runaway and homeless youth program  
562 providers, local probation departments, local community-based  
563 care and social services, local guardians ad litem, public  
564 defenders, state attorney's offices, and child advocates and  
565 services providers who work directly with sexually exploited  
566 youth.

567 (b) The lead agency, not-for-profit agency, or local  
568 government entity providing safe-house services is responsible  
569 for security, crisis intervention services, general counseling  
570 and victim-witness counseling, a comprehensive assessment,  
571 residential care, transportation, access to behavioral health  
572 services, recreational activities, food, clothing, supplies,  
573 infant care, and miscellaneous expenses associated with caring  
574 for these children; for necessary arrangement for or provision  
575 of educational services, including life skills services and  
576 planning services to successfully transition residents back to  
577 the community; and for ensuring necessary and appropriate health  
578 and dental care.

579 (c) This section does not prohibit any provider of these  
580 services from appropriately billing Medicaid for services

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581 rendered, from contracting with a local school district for  
582 educational services, or from obtaining federal or local funding  
583 for services provided, as long as two or more funding sources do  
584 not pay for the same specific service that has been provided to  
585 a child.

586 (d) The lead agency, not-for-profit agency, or local  
587 government entity providing safe-house services has the legal  
588 authority for children served in a safe-house program, as  
589 provided in chapter 39 or this chapter, as appropriate, to  
590 enroll the child in school, to sign for a driver's license for  
591 the child, to cosign loans and insurance for the child, to sign  
592 for medical treatment of the child, and to authorize other such  
593 activities.

594 (e) All of the services created under this section may, to  
595 the extent possible provided by law, be available to all  
596 sexually exploited children whether they are accessed  
597 voluntarily, as a condition of probation, through a diversion  
598 program, through a proceeding under chapter 39, or through a  
599 referral from a local community-based care or social service  
600 agency.

601 (3) The local circuit administrator may, to the extent that  
602 funds are available, in conjunction with local law enforcement  
603 officials, contract with an appropriate not-for-profit agency  
604 having experience working with sexually exploited children to  
605 train law enforcement officials who are likely to encounter  
606 sexually exploited children in the course of their law  
607 enforcement duties on the provisions of this section and how to  
608 identify and obtain appropriate services for sexually exploited  
609 children. Circuits may work cooperatively to provide such

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610     training, and such training may be provided on a regional basis.  
611     The department shall assist circuits in obtaining any available  
612     funds for the purposes of conducting law enforcement training  
613     from the Office of Juvenile Justice and Delinquency Prevention  
614     of the United States Department of Justice.

615       Section 9. Section 796.07, Florida Statutes, is amended to  
616     read:

617           796.07 Prohibiting prostitution and related acts, etc.;  
618     evidence; penalties; definitions.—

619           (1) As used in this section:

620           (a) "Prostitution" means the giving or receiving of the  
621     body for sexual activity for hire but excludes sexual activity  
622     between spouses.

623           (b) "Lewdness" means any indecent or obscene act.

624           (c) "Assignment" means the making of any appointment or  
625     engagement for prostitution or lewdness, or any act in  
626     furtherance of such appointment or engagement.

627           (d) "Sexual activity" means oral, anal, or vaginal  
628     penetration by, or union with, the sexual organ of another; anal  
629     or vaginal penetration of another by any other object; or the  
630     handling or fondling of the sexual organ of another for the  
631     purpose of masturbation; however, the term does not include acts  
632     done for bona fide medical purposes.

633           (2) It is unlawful:

634           (a) To own, establish, maintain, or operate any place,  
635     structure, building, or conveyance for the purpose of lewdness,  
636     assignment, or prostitution.

637           (b) To offer, or to offer or agree to secure, another for  
638     the purpose of prostitution or for any other lewd or indecent

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639 act.

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

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

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

652       (f) To solicit, induce, entice, or procure another to  
653 commit prostitution, lewdness, or assignation.

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

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

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

661       (3) (a) In the trial of a person charged with a violation of  
662 this section, testimony concerning the reputation of any place,  
663 structure, building, or conveyance involved in the charge,  
664 testimony concerning the reputation of any person residing in,  
665 operating, or frequenting such place, structure, building, or  
666 conveyance, and testimony concerning the reputation of the  
667 defendant is admissible in evidence in support of the charge.

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668                     (b) Notwithstanding any other provision of law, a police  
669 officer may testify as an offended party in an action regarding  
670 charges filed pursuant to this section.

671                     (4) A person who violates any provision of this section  
672 commits:

673                         (a) A misdemeanor of the second degree for a first  
674 violation, punishable as provided in s. 775.082 or s. 775.083.

675                         (b) A misdemeanor of the first degree for a second  
676 violation, punishable as provided in s. 775.082 or s. 775.083.

677                         (c) A felony of the third degree for a third or subsequent  
678 violation, punishable as provided in s. 775.082, s. 775.083, or  
679 s. 775.084.

680                     (5) A person who is charged with a third or subsequent  
681 violation of this section shall be offered admission to a  
682 pretrial intervention program or a substance-abuse treatment  
683 program as provided in s. 948.08.

684                     (6) A person who violates paragraph (2)(f) shall be  
685 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results  
686 in any judicial disposition other than acquittal or dismissal.  
687 Of the proceeds from each penalty penalties assessed under this  
688 subsection, \$500 shall be paid to the circuit court  
689 administrator for the sole purpose of paying the administrative  
690 costs of treatment-based drug court programs provided under s.  
691 397.334 and \$4,500 shall be paid to the Department of Children  
692 and Family Services for the sole purpose of funding safe houses  
693 and short-term safe houses as provided in s. 409.1678.

694                     Section 10. Section 960.065, Florida Statutes, is amended  
695 to read:

696                     960.065 Eligibility for awards.—

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

699                     (a) A victim.

700                     (b) An intervenor.

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

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

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

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

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

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

715                     (d) Has been adjudicated as a habitual felony offender,  
716 habitual violent offender, or violent career criminal under s.  
717 775.084; or

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

720  
721 is ineligible shall not be eligible for an award.

722                     (3) Any claim filed by or on behalf of a person who was in  
723 custody or confined, regardless of adjudication, in a county or  
724 municipal facility, a state or federal correctional facility, or  
725 a juvenile detention, commitment, or assessment facility at the

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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 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 11. 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

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755 child as follows:

756 (b) Contingent upon specific appropriation, to a shelter  
757 approved by the department or to an authorized agent or short-  
758 term safe house under s. 39.401(2) (b).

759 Section 12. This act shall take effect January 1, 2013.