

1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 39.524, F.S.; requiring the Department of Children and
4 Families or a sheriff's office to conduct a
5 multidisciplinary staffing on child victims of
6 commercial sexual exploitation to determine the
7 child's service and placement needs; revising the date
8 by which the department or sheriff's office must
9 submit a report to the Legislature on child commercial
10 sexual exploitation and safe-harbor placements;
11 revising the contents of the report, including
12 recommendations by the Office of Program Policy
13 Analysis and Government Accountability study on
14 commercial sexual exploitation of children; requiring
15 the department to maintain certain data on the child
16 victims; amending s. 92.565, F.S.; adding commercial
17 sexual activity as a crime in which the defendant's
18 admission is admissible during trial; amending s.
19 409.016, F.S.; defining the term "commercial sexual
20 exploitation"; amending s. 409.1678, F.S.; deleting
21 the term "sexually exploited child"; removing an
22 obsolete date; conforming provisions to changes made
23 by the act; amending s. 409.1754, F.S.; requiring the
24 department or sheriff's office to conduct
25 multidisciplinary staffings for child victims;

26 requiring a service plan for all victims of child
 27 commercial sexual exploitation; requiring the
 28 department or sheriff's office to follow up on all
 29 victims of child commercial sexual exploitation within
 30 a specified timeframe; amending s. 907.041, F.S.;
 31 adding human trafficking to the list of crimes
 32 requiring pretrial detention of the defendant;
 33 reenacting s. 790.065(2)(c), F.S., relating to the
 34 sale and delivery of firearms to incorporate the
 35 amendment made to s. 907.041, F.S., in a reference
 36 thereto; providing an effective date.

37

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

39

40 Section 1. Section 39.524, Florida Statutes, is amended to
 41 read:

42 39.524 Safe-harbor placement.—

43 (1) Except as provided in s. 39.407 or s. 985.801, a
 44 dependent child 6 years of age or older who is suspected of
 45 being or has been found to be a victim of commercial sexual
 46 exploitation as defined in s. 409.016 ~~s. 39.01(70)(g)~~ must be
 47 assessed, and the department or a sheriff's office acting under
 48 s. 39.3065 must conduct a multidisciplinary staffing pursuant to
 49 s. 409.1754(2), to determine the child's need for services and
 50 his or her need for placement in a safe house or safe foster

51 home as provided in s. 409.1678 using the initial screening and
52 assessment instruments provided in s. 409.1754(1). If such
53 placement is determined to be appropriate for the child as a
54 result of this assessment, the child may be placed in a safe
55 house or safe foster home, if one is available. However, the
56 child may be placed in another setting, if the other setting is
57 more appropriate to the child's needs or if a safe house or safe
58 foster home is unavailable, as long as the child's behaviors are
59 managed so as not to endanger other children served in that
60 setting.

61 (2) The results of the assessment described in s.
62 409.1754(1), the multidisciplinary staffing described in s.
63 409.1754(2), and the actions taken as a result of the assessment
64 must be included in the disposition hearing or next judicial
65 review of the child. At each subsequent judicial review, the
66 court must be advised in writing of the status of the child's
67 placement, with special reference regarding the stability of the
68 placement, any specialized services, and the permanency planning
69 for the child.

70 (3) (a) By October ~~December~~ 1 of each year, the department,
71 with information from community-based care agencies and certain
72 sheriff's offices acting under s. 39.3065, shall report to the
73 Legislature on the prevalence of child commercial sexual
74 exploitation; the specialized services provided and placement of
75 such children; the local service capacity assessed pursuant to

76 | s. 409.1754; the placement of children in safe houses and safe
 77 | foster homes during the year, including the criteria used to
 78 | determine the placement of children;~~;~~ the number of children who
 79 | were evaluated for placement; the number of children who were
 80 | placed based upon the evaluation;~~and~~ the number of children
 81 | who were not placed; and the department's response to the
 82 | findings and recommendations made by the Office of Program
 83 | Policy Analysis and Government Accountability in its annual
 84 | study on commercial sexual exploitation of children, as required
 85 | by s. 8 of chapter 2014-161, Laws of Florida.

86 | (b) The department shall maintain data specifying the
 87 | number of children who were verified as victims of commercial
 88 | sexual exploitation, who were referred to nonresidential
 89 | services in the community, who were placed in a safe house or
 90 | safe foster home, and who were referred to a safe house or safe
 91 | foster home for whom placement was unavailable, and shall
 92 | identify the counties in which such placement was unavailable.
 93 | The department shall include this data in its report under this
 94 | subsection so that the Legislature may consider this information
 95 | in developing the General Appropriations Act.

96 | Section 2. Subsection (2) of section 92.565, Florida
 97 | Statutes, is amended to read:

98 | 92.565 Admissibility of confession in sexual abuse cases.—

99 | (2) In any criminal action in which the defendant is
 100 | charged with a crime against a victim under s. 787.06(3),

101 involving commercial sexual activity; s. 794.011; s. 794.05; s.
102 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04,
103 involving sexual abuse; s. 827.071; or s. 847.0135(5), or any
104 other crime involving sexual abuse of another, or with any
105 attempt, solicitation, or conspiracy to commit any of these
106 crimes, the defendant's memorialized confession or admission is
107 admissible during trial without the state having to prove a
108 corpus delicti of the crime if the court finds in a hearing
109 conducted outside the presence of the jury that the state is
110 unable to show the existence of each element of the crime, and
111 having so found, further finds that the defendant's confession
112 or admission is trustworthy. Factors which may be relevant in
113 determining whether the state is unable to show the existence of
114 each element of the crime include, but are not limited to, the
115 fact that, at the time the crime was committed, the victim was:

- 116 (a) Physically helpless, mentally incapacitated, or
117 mentally defective, as those terms are defined in s. 794.011;
118 (b) Physically incapacitated due to age, infirmity, or any
119 other cause; or
120 (c) Less than 12 years of age.

121 Section 3. Present subsections (1), (2), and (3) of
122 section 409.016, Florida Statutes, are redesignated as
123 subsections (2), (3), and (4), respectively, and a new
124 subsection (1) is added to that section, to read:

125 409.016 Definitions.—As used in this chapter:

126 (1) "Commercial sexual exploitation" means the use of any
127 person under the age of 18 for sexual purposes in exchange for
128 money, goods, or services or the promise of money, goods, or
129 services.

130 Section 4. Section 409.1678, Florida Statutes, is amended
131 to read:

132 409.1678 Specialized residential options for children who
133 are victims of commercial sexual exploitation.—

134 (1) DEFINITIONS.—As used in this section, the term:

135 (a) "Safe foster home" means a foster home certified by
136 the department under this section to care for sexually exploited
137 children.

138 (b) "Safe house" means a group residential placement
139 certified by the department under this section to care for
140 sexually exploited children.

141 ~~(c) "Sexually exploited child" means a child who has~~
142 ~~suffered sexual exploitation as defined in s. 39.01(70)(g) and~~
143 ~~is ineligible for relief and benefits under the federal~~
144 ~~Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.~~

145 (2) CERTIFICATION OF SAFE HOUSES AND SAFE FOSTER HOMES.—

146 (a) A safe house and a safe foster home shall provide a
147 safe, separate, and therapeutic environment tailored to the
148 needs of commercially sexually exploited children who have
149 endured significant trauma and are not eligible for relief and
150 benefits under the federal Trafficking Victims Protection Act,

151 22 U.S.C. ss. 7101 et seq. Safe houses and safe foster homes
152 shall use a model of treatment that includes strength-based and
153 trauma-informed approaches.

154 (b) A safe house or a safe foster home must be certified
155 by the department. A residential facility accepting state funds
156 appropriated to provide services to ~~sexually exploited children~~
157 ~~or~~ child victims of commercial sexual exploitation ~~sex~~
158 ~~trafficking~~ must be certified by the department as a safe house
159 or a safe foster home. An entity may not use the designation
160 "safe house" or "safe foster home" and hold itself out as
161 serving child victims of commercial sexual exploitation ~~sexually~~
162 ~~exploited children~~ unless the entity is certified under this
163 section.

164 (c) To be certified, a safe house must hold a license as a
165 residential child-caring agency, as defined in s. 409.175, and a
166 safe foster home must hold a license as a family foster home, as
167 defined in s. 409.175. A safe house or safe foster home must
168 also:

- 169 1. Use strength-based and trauma-informed approaches to
170 care, to the extent possible and appropriate.
- 171 2. Serve exclusively one sex.
- 172 3. Group child victims of commercial sexual exploitation
173 ~~sexually exploited children~~ by age or maturity level.
- 174 4. Care for child victims of commercial sexual
175 exploitation ~~sexually exploited children~~ in a manner that

176 separates those children from children with other needs. Safe
177 houses and safe foster homes may care for other populations if
178 the children who have not experienced commercial sexual
179 exploitation do not interact with children who have experienced
180 commercial sexual exploitation.

181 5. Have awake staff members on duty 24 hours a day, if a
182 safe house.

183 6. Provide appropriate security through facility design,
184 hardware, technology, staffing, and siting, including, but not
185 limited to, external video monitoring or door exit alarms, a
186 high staff-to-client ratio, or being situated in a remote
187 location that is isolated from major transportation centers and
188 common trafficking areas.

189 7. Meet other criteria established by department rule,
190 which may include, but are not limited to, personnel
191 qualifications, staffing ratios, and types of services offered.

192 (d) Safe houses and safe foster homes shall provide
193 services tailored to the needs of child victims of commercial
194 sexual exploitation ~~sexually exploited children~~ and shall
195 conduct a comprehensive assessment of the service needs of each
196 resident. In addition to the services required to be provided by
197 residential child caring agencies and family foster homes, safe
198 houses and safe foster homes must provide, arrange for, or
199 coordinate, at a minimum, the following services:

200 1. Victim-witness counseling.

- 201 2. Family counseling.
- 202 3. Behavioral health care.
- 203 4. Treatment and intervention for sexual assault.
- 204 5. Education tailored to the child's individual needs,
205 including remedial education if necessary.
- 206 6. Life skills and workforce training.
- 207 7. Mentoring by a survivor of commercial sexual
208 exploitation, if available and appropriate for the child.
- 209 8. Substance abuse screening and, when necessary, access
210 to treatment.
- 211 9. Planning services for the successful transition of each
212 child back to the community.
- 213 10. Activities structured in a manner that provides child
214 victims of commercial sexual exploitation ~~sexually exploited~~
215 ~~children~~ with a full schedule.
- 216 (e) The community-based care lead agencies shall ensure
217 that foster parents of safe foster homes and staff of safe
218 houses complete intensive training regarding, at a minimum, the
219 needs of child victims of commercial sexual exploitation
220 ~~sexually exploited children~~, the effects of trauma and sexual
221 exploitation, and how to address those needs using strength-
222 based and trauma-informed approaches. The department shall
223 specify the contents of this training by rule and may develop or
224 contract for a standard curriculum. The department may establish
225 by rule additional criteria for the certification of safe houses

226 | and safe foster homes that shall address the security,
 227 | therapeutic, social, health, and educational needs of child
 228 | victims of commercial sexual exploitation ~~sexually exploited~~
 229 | ~~children.~~

230 | (f) The department shall inspect safe houses and safe
 231 | foster homes before certification and annually thereafter to
 232 | ensure compliance with the requirements of this section. The
 233 | department may place a moratorium on referrals and may revoke
 234 | the certification of a safe house or safe foster home that fails
 235 | at any time to meet the requirements of, or rules adopted under,
 236 | this section.

237 | (g) The certification period for safe houses and safe
 238 | foster homes shall run concurrently with the terms of their
 239 | licenses.

240 | (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
 241 | HOSPITAL. ~~No later than July 1, 2015,~~ Residential treatment
 242 | centers licensed under s. 394.875, and hospitals licensed under
 243 | chapter 395 that provide residential mental health treatment,
 244 | shall provide specialized treatment for commercially sexually
 245 | exploited children in the custody of the department who are
 246 | placed in these facilities pursuant to s. 39.407(6), s.
 247 | 394.4625, or s. 394.467. The specialized treatment must meet the
 248 | requirements of subparagraphs (2)(c)1. and 3.-7., paragraph
 249 | (2)(d), and the department's treatment standards adopted
 250 | pursuant to this section. The facilities shall ensure that

251 children are served in single-sex groups and that staff working
252 with such children are adequately trained in the effects of
253 trauma and sexual exploitation, the needs of child victims of
254 commercial sexual exploitation ~~sexually exploited children~~, and
255 how to address those needs using strength-based and trauma-
256 informed approaches.

257 (4) FUNDING FOR SERVICES; CASE MANAGEMENT.—

258 (a) This section does not prohibit any provider of
259 services for child victims of commercial sexual exploitation
260 ~~sexually exploited children~~ from appropriately billing Medicaid
261 for services rendered, from contracting with a local school
262 district for educational services, or from obtaining federal or
263 local funding for services provided, as long as two or more
264 funding sources do not pay for the same specific service that
265 has been provided to a child.

266 (b) The community-based care lead agency shall ensure that
267 all child victims of commercial sexual exploitation ~~sexually~~
268 ~~exploited children~~ residing in safe houses or safe foster homes
269 or served in residential treatment centers or hospitals pursuant
270 to subsection (3) have a case manager and a case plan, whether
271 or not the child is a dependent child.

272 (5) SCOPE OF AVAILABILITY OF SERVICES.—To the extent
273 possible provided by law and with authorized funding, the
274 services specified in this section may be available to all child
275 victims of commercial sexual exploitation who are not eligible

276 | for relief and benefits under the federal Trafficking Victims
 277 | Protection Act, 22 U.S.C. ss. 7101 et seq., ~~sexually exploited~~
 278 | ~~children~~ whether such services are accessed voluntarily, as a
 279 | condition of probation, through a diversion program, through a
 280 | proceeding under chapter 39, or through a referral from a local
 281 | community-based care or social service agency.

282 | (6) LOCATION INFORMATION.—

283 | (a) Information about the location of a safe house, safe
 284 | foster home, or other residential facility serving child victims
 285 | of commercial sexual exploitation ~~victims of sexual~~
 286 | ~~exploitation~~, as defined in s. 409.016 ~~s. 39.01(70)(g)~~, which is
 287 | held by an agency, as defined in s. 119.011, is confidential and
 288 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 289 | Constitution. This exemption applies to such confidential and
 290 | exempt information held by an agency before, on, or after the
 291 | effective date of the exemption.

292 | (b) Information about the location of a safe house, safe
 293 | foster home, or other residential facility serving child victims
 294 | of commercial sexual exploitation ~~victims of sexual~~
 295 | ~~exploitation~~, as defined in s. 409.016 ~~s. 39.01(70)(g)~~, may be
 296 | provided to an agency, as defined in s. 119.011, as necessary to
 297 | maintain health and safety standards and to address emergency
 298 | situations in the safe house, safe foster home, or other
 299 | residential facility.

300 | (c) The exemptions from s. 119.07(1) and s. 24(a), Art. I

301 of the State Constitution provided in this subsection do not
302 apply to facilities licensed by the Agency for Health Care
303 Administration.

304 (d) This subsection is subject to the Open Government
305 Sunset Review Act in accordance with s. 119.15 and shall stand
306 repealed on October 2, 2020, unless reviewed and saved from
307 repeal through reenactment by the Legislature.

308 Section 5. Section 409.1754, Florida Statutes, is amended
309 to read:

310 409.1754 Commercial sexual exploitation of children
311 ~~Sexually exploited children~~; screening and assessment; training;
312 multidisciplinary staffings; service plans ~~case management; task~~
313 ~~forces.~~—

314 (1) SCREENING AND ASSESSMENT.—

315 (a) The department shall develop or adopt one or more
316 initial screening and assessment instruments to identify,
317 determine the needs of, plan services for, and determine the
318 appropriate placement for child victims of commercial sexual
319 exploitation who are not eligible for relief and benefits under
320 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.
321 7101 et seq ~~sexually exploited children~~. The department shall
322 consult state and local agencies, organizations, and individuals
323 involved in the identification and care of such ~~sexually~~
324 ~~exploited~~ children when developing or adopting initial screening
325 and assessment instruments. Initial screening and assessment

326 instruments shall assess the appropriate placement of child
327 victims of commercial sexual exploitation ~~a sexually exploited~~
328 ~~child~~, including whether placement in a safe house or safe
329 foster home as provided in s. 409.1678 is appropriate, and shall
330 consider, at a minimum, the following factors:

- 331 1. Risk of the child running away.
- 332 2. Risk of the child recruiting other children into the
333 commercial sex trade.
- 334 3. Level of the child's attachment to his or her
335 exploiter.
- 336 4. Level and type of trauma that the child has endured.
- 337 5. Nature of the child's interactions with law
338 enforcement.
- 339 6. Length of time that the child was a victim of
340 commercial sexual exploitation ~~sexually exploited~~.
- 341 7. Extent of any substance abuse by the child.

342 (b) The initial screening and assessment instruments shall
343 be validated, if possible, and must be used by the department,
344 juvenile assessment centers as provided in s. 985.135, and
345 community-based care lead agencies.

346 (c) The department shall adopt rules that specify the
347 initial screening and assessment instruments to be used and
348 provide requirements for their use and for the reporting of data
349 collected through their use.

350 (d) The department, or a sheriff's office acting under s.

351 39.3065, the Department of Juvenile Justice, and community-based
352 care lead agencies may use additional assessment instruments in
353 the course of serving sexually exploited children.

354 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

355 (a) The department, or a sheriff's office acting under s.
356 39.3065, shall conduct a multidisciplinary staffing for each
357 child that is a suspected or verified victim of commercial
358 sexual exploitation. The department or sheriff's office shall
359 coordinate the staffing and invite individuals involved in the
360 child's care, including, but not limited to, the child, if
361 appropriate; the child's family or legal guardian; the child's
362 guardian ad litem; Department of Juvenile Justice staff; school
363 district staff; local health and human service providers; victim
364 advocates; and any other persons who may be able to assist the
365 child.

366 (b) The staffing must use the assessment, local services,
367 and local protocols required by this section to develop a
368 service plan. The service plan must identify the needs of the
369 child and his or her family, the local services available to
370 meet those needs, and whether placement in a safe house or safe
371 foster home is needed. If the child is dependent, the case plan
372 required by s. 39.6011 may meet the requirement for a service
373 plan, but must be amended to incorporate the results of the
374 multidisciplinary staffing. If the child is not dependent, the
375 service plan is voluntary and the department or sheriff's office

376 shall provide the plan to the victim and his or her family or
377 legal guardian and offer to make any needed referrals to local
378 service providers.

379 (c) The services identified in the service plan should be
380 provided in the least restrictive environment and may include,
381 but need not be limited to, the following:

- 382 1. Emergency shelter and runaway center services;
- 383 2. Outpatient individual or group counseling for the
384 victim and the victim's family or legal guardian;
- 385 3. Substance use disorder treatment services;
- 386 4. Drop-in centers or mentoring programs;
- 387 5. Commercial sexual exploitation treatment programs;
- 388 6. Child advocacy center services pursuant to s. 39.3035;
- 389 7. Prevention services such as those provided by the
390 Florida Network of Youth and Family Services and the PACE Center
391 for Girls;
- 392 8. Family foster care;
- 393 9. Therapeutic foster care;
- 394 10. Safe houses or safe foster homes;
- 395 11. Residential treatment programs; and
- 396 12. Employment or workforce training.

397 (d) The department, or a sheriff's office acting under s.
398 39.3065, shall follow up with all verified victims of commercial
399 sexual exploitation who are dependent within 6 months of the
400 completion of the child abuse investigation, and such

401 information must be included in the report required under s.
402 39.524. The followup must determine the following:
403 1. Whether a referral was made for the services
404 recommended in the service plan;
405 2. Whether the services were received, and if not, the
406 reasons why;
407 3. Whether the services or treatments were completed and
408 if not, the reasons why;
409 4. Whether the victim has experienced commercial sexual
410 exploitation since the verified report;
411 5. Whether the victim has run away since the verified
412 report;
413 6. The type and number of placements, if applicable;
414 7. The educational status of the child;
415 8. The employment status of the child; and
416 9. Whether the child has been involved in the juvenile or
417 criminal justice system.
418 (e) The department, or a sheriff's office acting under s.
419 39.3065, shall follow up with all verified victims of commercial
420 sexual exploitation who are not dependent within 6 months after
421 the child abuse investigation is completed and the information
422 must be used in the report required under s. 39.524. The
423 followup for nondependent victims and their families is
424 voluntary and the victim, family, or legal guardian is not
425 required to respond. The followup must attempt to determine the

426 following:

427 1. Whether a referral was made for the services
 428 recommended in the service plan;

429 2. Whether the services were received and, if not, the
 430 reasons why;

431 3. Whether the services or treatments were completed and,
 432 if not, the reasons why;

433 4. Whether the victim has experienced commercial sexual
 434 exploitation since the verified report;

435 5. Whether the victim has run away since the verified
 436 report;

437 6. The educational status of the child;

438 7. The employment status of the child; and

439 8. Whether the child has been involved in the juvenile or
 440 criminal justice system.

441 (3) ~~(2)~~ TRAINING; LOCAL PROTOCOLS CASE MANAGEMENT; TASK
 442 FORCES.—

443 (a) ~~1.~~ The department, or a sheriff's office acting under
 444 s. 39.3065, and community-based care lead agencies shall ensure
 445 that cases in which a child is alleged, suspected, or known to
 446 be a victim of commercial sexual exploitation ~~have been sexually~~
 447 ~~exploited~~ are assigned to child protective investigators and
 448 case managers who have specialized intensive training in
 449 handling cases involving a sexually exploited child. The
 450 department, sheriff's office, and lead agencies shall ensure

451 that child protective investigators and case managers receive
452 this training before accepting a case involving a commercially
453 sexually exploited child.

454 (b)2. The Department of Juvenile Justice shall ensure that
455 juvenile probation staff or contractors administering the
456 detention risk assessment instrument pursuant to s. 985.14
457 receive specialized intensive training in identifying and
458 serving commercially sexually exploited children.

459 ~~(b) The department and community-based care lead agencies~~
460 ~~shall conduct regular multidisciplinary staffings relating to~~
461 ~~services provided for sexually exploited children to ensure that~~
462 ~~all parties possess relevant information and services are~~
463 ~~coordinated across systems. The department or community-based~~
464 ~~care lead agency, as appropriate, shall coordinate these~~
465 ~~staffings and invite individuals involved in the child's care,~~
466 ~~including, but not limited to, the child's guardian ad litem,~~
467 ~~juvenile justice system staff, school district staff, service~~
468 ~~providers, and victim advocates.~~

469 (c)1. Each region of the department and each community-
470 based care lead agency shall jointly assess local service
471 capacity to meet the specialized service needs of commercially
472 sexually exploited children and establish a plan to develop the
473 necessary capacity. Each plan shall be developed in consultation
474 with community-based care lead agencies, local law enforcement
475 officials, local school officials, runaway and homeless youth

476 program providers, local probation departments, children's
477 advocacy centers, guardians ad litem, public defenders, state
478 attorneys' offices, safe houses, and child advocates and service
479 providers who work directly with commercially sexually exploited
480 children.

481 (d)2. Each region of the department and each community-
482 based care lead agency shall establish local protocols and
483 procedures for working with commercially sexually exploited
484 children which are responsive to the individual circumstances of
485 each child. The protocols and procedures shall take into account
486 the varying types and levels of trauma endured; whether the
487 commercial sexual exploitation is actively occurring, occurred
488 in the past, or is inactive but likely to recur; and the
489 differing community resources and degrees of familial support
490 that are available. Child protective investigators and case
491 managers must use these protocols and procedures when working
492 with a victim of commercial sexual exploitation ~~sexually~~
493 ~~exploited child~~.

494 (4) ~~(3)~~ LOCAL RESPONSE TO HUMAN TRAFFICKING; TRAINING; TASK
495 FORCE.—

496 (a) To the extent that funds are available, the local
497 regional director may provide training to local law enforcement
498 officials who are likely to encounter child victims of
499 commercial sexual exploitation ~~sexually exploited children~~ in
500 the course of their law enforcement duties. Training must ~~shall~~

501 address ~~the provisions of~~ this section and how to identify and
502 obtain appropriate services for such ~~sexually exploited~~
503 children. The local circuit administrator may contract with a
504 not-for-profit agency with experience working with commercially
505 sexually exploited children to provide the training. Circuits
506 may work cooperatively to provide training, which may be
507 provided on a regional basis. The department shall assist
508 circuits to obtain available funds for the purpose of conducting
509 law enforcement training from the Office of Juvenile Justice and
510 Delinquency Prevention of the United States Department of
511 Justice.

512 (b) Circuit administrators or their designees, chief
513 probation officers of the Department of Juvenile Justice or
514 their designees, and the chief operating officers of community-
515 based care lead agencies or their designees shall participate in
516 any task force, committee, council, advisory group, coalition,
517 or other entity in their service area that is involved in
518 coordinating responses to address human trafficking or
519 commercial sexual exploitation of children. If such entity does
520 not exist, the circuit administrator for the department shall
521 initiate one.

522 Section 6. Subsection (4) of section 907.041, Florida
523 Statutes, is amended to read:

524 907.041 Pretrial detention and release.—

525 (4) PRETRIAL DETENTION.—

- 526 (a) As used in this subsection, "dangerous crime" means
 527 any of the following:
- 528 1. Arson;
 - 529 2. Aggravated assault;
 - 530 3. Aggravated battery;
 - 531 4. Illegal use of explosives;
 - 532 5. Child abuse or aggravated child abuse;
 - 533 6. Abuse of an elderly person or disabled adult, or
 534 aggravated abuse of an elderly person or disabled adult;
 - 535 7. Aircraft piracy;
 - 536 8. Kidnapping;
 - 537 9. Homicide;
 - 538 10. Manslaughter;
 - 539 11. Sexual battery;
 - 540 12. Robbery;
 - 541 13. Carjacking;
 - 542 14. Lewd, lascivious, or indecent assault or act upon or
 543 in presence of a child under the age of 16 years;
 - 544 15. Sexual activity with a child, who is 12 years of age
 545 or older but less than 18 years of age, by or at solicitation of
 546 person in familial or custodial authority;
 - 547 16. Burglary of a dwelling;
 - 548 17. Stalking and aggravated stalking;
 - 549 18. Act of domestic violence as defined in s. 741.28;
 - 550 19. Home invasion robbery;

- 551 20. Act of terrorism as defined in s. 775.30;
 552 21. Manufacturing any substances in violation of chapter
 553 893; ~~and~~
 554 22. Attempting or conspiring to commit any such crime; and
 555 23. Human trafficking.

556 (b) No person charged with a dangerous crime shall be
 557 granted nonmonetary pretrial release at a first appearance
 558 hearing; however, the court shall retain the discretion to
 559 release an accused on electronic monitoring or on recognizance
 560 bond if the findings on the record of facts and circumstances
 561 warrant such a release.

562 (c) The court may order pretrial detention if it finds a
 563 substantial probability, based on a defendant's past and present
 564 patterns of behavior, the criteria in s. 903.046, and any other
 565 relevant facts, that any of the following circumstances exist:

566 1. The defendant has previously violated conditions of
 567 release and that no further conditions of release are reasonably
 568 likely to assure the defendant's appearance at subsequent
 569 proceedings;

570 2. The defendant, with the intent to obstruct the judicial
 571 process, has threatened, intimidated, or injured any victim,
 572 potential witness, juror, or judicial officer, or has attempted
 573 or conspired to do so, and that no condition of release will
 574 reasonably prevent the obstruction of the judicial process;

575 3. The defendant is charged with trafficking in controlled

576 substances as defined by s. 893.135, that there is a substantial
577 probability that the defendant has committed the offense, and
578 that no conditions of release will reasonably assure the
579 defendant's appearance at subsequent criminal proceedings;

580 4. The defendant is charged with DUI manslaughter, as
581 defined by s. 316.193, and that there is a substantial
582 probability that the defendant committed the crime and that the
583 defendant poses a threat of harm to the community; conditions
584 that would support a finding by the court pursuant to this
585 subparagraph that the defendant poses a threat of harm to the
586 community include, but are not limited to, any of the following:

587 a. The defendant has previously been convicted of any
588 crime under s. 316.193, or of any crime in any other state or
589 territory of the United States that is substantially similar to
590 any crime under s. 316.193;

591 b. The defendant was driving with a suspended driver
592 license when the charged crime was committed; or

593 c. The defendant has previously been found guilty of, or
594 has had adjudication of guilt withheld for, driving while the
595 defendant's driver license was suspended or revoked in violation
596 of s. 322.34;

597 5. The defendant poses the threat of harm to the
598 community. The court may so conclude, if it finds that the
599 defendant is presently charged with a dangerous crime, that
600 there is a substantial probability that the defendant committed

601 such crime, that the factual circumstances of the crime indicate
602 a disregard for the safety of the community, and that there are
603 no conditions of release reasonably sufficient to protect the
604 community from the risk of physical harm to persons;

605 6. The defendant was on probation, parole, or other
606 release pending completion of sentence or on pretrial release
607 for a dangerous crime at the time the current offense was
608 committed;

609 7. The defendant has violated one or more conditions of
610 pretrial release or bond for the offense currently before the
611 court and the violation, in the discretion of the court,
612 supports a finding that no conditions of release can reasonably
613 protect the community from risk of physical harm to persons or
614 assure the presence of the accused at trial; or

615 8.a. The defendant has ever been sentenced pursuant to s.
616 775.082(9) or s. 775.084 as a prison releasee reoffender,
617 habitual violent felony offender, three-time violent felony
618 offender, or violent career criminal, or the state attorney
619 files a notice seeking that the defendant be sentenced pursuant
620 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
621 habitual violent felony offender, three-time violent felony
622 offender, or violent career criminal;

623 b. There is a substantial probability that the defendant
624 committed the offense; and

625 c. There are no conditions of release that can reasonably

626 | protect the community from risk of physical harm or ensure the
627 | presence of the accused at trial.

628 | (d) When a person charged with a crime for which pretrial
629 | detention could be ordered is arrested, the arresting agency
630 | shall promptly notify the state attorney of the arrest and shall
631 | provide the state attorney with such information as the
632 | arresting agency has obtained relative to:

633 | 1. The nature and circumstances of the offense charged;

634 | 2. The nature of any physical evidence seized and the
635 | contents of any statements obtained from the defendant or any
636 | witness;

637 | 3. The defendant's family ties, residence, employment,
638 | financial condition, and mental condition; and

639 | 4. The defendant's past conduct and present conduct,
640 | including any record of convictions, previous flight to avoid
641 | prosecution, or failure to appear at court proceedings.

642 | (e) When a person charged with a crime for which pretrial
643 | detention could be ordered is arrested, the arresting agency may
644 | detain such defendant, prior to the filing by the state attorney
645 | of a motion seeking pretrial detention, for a period not to
646 | exceed 24 hours.

647 | (f) The pretrial detention hearing shall be held within 5
648 | days of the filing by the state attorney of a complaint to seek
649 | pretrial detention. The defendant may request a continuance. No
650 | continuance shall be for longer than 5 days unless there are

651 extenuating circumstances. The defendant may be detained pending
652 the hearing. The state attorney shall be entitled to one
653 continuance for good cause.

654 (g) The state attorney has the burden of showing the need
655 for pretrial detention.

656 (h) The defendant is entitled to be represented by
657 counsel, to present witnesses and evidence, and to cross-examine
658 witnesses. The court may admit relevant evidence without
659 complying with the rules of evidence, but evidence secured in
660 violation of the United States Constitution or the Constitution
661 of the State of Florida shall not be admissible. No testimony by
662 the defendant shall be admissible to prove guilt at any other
663 judicial proceeding, but such testimony may be admitted in an
664 action for perjury, based upon the defendant's statements made
665 at the pretrial detention hearing, or for impeachment.

666 (i) The pretrial detention order of the court shall be
667 based solely upon evidence produced at the hearing and shall
668 contain findings of fact and conclusions of law to support it.
669 The order shall be made either in writing or orally on the
670 record. The court shall render its findings within 24 hours of
671 the pretrial detention hearing.

672 (j) A defendant convicted at trial following the issuance
673 of a pretrial detention order shall have credited to his or her
674 sentence, if imprisonment is imposed, the time the defendant was
675 held under the order, pursuant to s. 921.161.

676 (k) The defendant shall be entitled to dissolution of the
677 pretrial detention order whenever the court finds that a
678 subsequent event has eliminated the basis for detention.

679 (l) The Legislature finds that a person who manufactures
680 any substances in violation of chapter 893 poses a threat of
681 harm to the community and that the factual circumstances of such
682 a crime indicate a disregard for the safety of the community.
683 The court shall order pretrial detention if the court finds that
684 there is a substantial probability that a defendant charged with
685 manufacturing any substances in violation of chapter 893
686 committed such a crime and if the court finds that there are no
687 conditions of release reasonably sufficient to protect the
688 community from the risk of physical harm to persons.

689 Section 7. For the purpose of incorporating the amendment
690 made by this act to section 907.041(4)(a), Florida Statutes, in
691 a reference thereto, paragraph (c) of subsection (2) of section
692 790.065, Florida Statutes, is reenacted to read:

693 790.065 Sale and delivery of firearms.—

694 (2) Upon receipt of a request for a criminal history
695 record check, the Department of Law Enforcement shall, during
696 the licensee's call or by return call, forthwith:

697 (c)1. Review any records available to it to determine
698 whether the potential buyer or transferee has been indicted or
699 has had an information filed against her or him for an offense
700 that is a felony under either state or federal law, or, as

701 mandated by federal law, has had an injunction for protection
702 against domestic violence entered against the potential buyer or
703 transferee under s. 741.30, has had an injunction for protection
704 against repeat violence entered against the potential buyer or
705 transferee under s. 784.046, or has been arrested for a
706 dangerous crime as specified in s. 907.041(4)(a) or for any of
707 the following enumerated offenses:

- 708 a. Criminal anarchy under ss. 876.01 and 876.02.
- 709 b. Extortion under s. 836.05.
- 710 c. Explosives violations under s. 552.22(1) and (2).
- 711 d. Controlled substances violations under chapter 893.
- 712 e. Resisting an officer with violence under s. 843.01.
- 713 f. Weapons and firearms violations under this chapter.
- 714 g. Treason under s. 876.32.
- 715 h. Assisting self-murder under s. 782.08.
- 716 i. Sabotage under s. 876.38.
- 717 j. Stalking or aggravated stalking under s. 784.048.

718

719 If the review indicates any such indictment, information, or
720 arrest, the department shall provide to the licensee a
721 conditional nonapproval number.

722 2. Within 24 working hours, the department shall determine
723 the disposition of the indictment, information, or arrest and
724 inform the licensee as to whether the potential buyer is
725 prohibited from receiving or possessing a firearm. For purposes

726 of this paragraph, "working hours" means the hours from 8 a.m.
727 to 5 p.m. Monday through Friday, excluding legal holidays.

728 3. The office of the clerk of court, at no charge to the
729 department, shall respond to any department request for data on
730 the disposition of the indictment, information, or arrest as
731 soon as possible, but in no event later than 8 working hours.

732 4. The department shall determine as quickly as possible
733 within the allotted time period whether the potential buyer is
734 prohibited from receiving or possessing a firearm.

735 5. If the potential buyer is not so prohibited, or if the
736 department cannot determine the disposition information within
737 the allotted time period, the department shall provide the
738 licensee with a conditional approval number.

739 6. If the buyer is so prohibited, the conditional
740 nonapproval number shall become a nonapproval number.

741 7. The department shall continue its attempts to obtain
742 the disposition information and may retain a record of all
743 approval numbers granted without sufficient disposition
744 information. If the department later obtains disposition
745 information which indicates:

746 a. That the potential buyer is not prohibited from owning
747 a firearm, it shall treat the record of the transaction in
748 accordance with this section; or

749 b. That the potential buyer is prohibited from owning a
750 firearm, it shall immediately revoke the conditional approval

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751 number and notify local law enforcement.

752 8. During the time that disposition of the indictment,
753 information, or arrest is pending and until the department is
754 notified by the potential buyer that there has been a final
755 disposition of the indictment, information, or arrest, the
756 conditional nonapproval number shall remain in effect.

757 Section 8. This act shall take effect October 1, 2017.

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