

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 dependant 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 children alleged to have
17 been sexually exploited in a safe house is necessary;
18 creating s. 39.524, F.S.; requiring assessment of certain
19 children for placement in a safe house; providing for use
20 of such assessments; providing requirements for safe
21 houses receiving such children; providing for placement of
22 other children in safe houses when appropriate; requiring
23 an annual report concerning safe-house placements;
24 amending s. 322.28, F.S.; conforming a cross-reference;
25 creating s. 409.1678, F.S.; providing legislative intent
26 relating to safe houses; providing definitions; requiring
27 districts of the Department of Children and Family
28 Services to address child welfare service needs of

29 sexually exploited children as a component of their master
 30 plans; providing for operation of safe houses; providing
 31 duties, responsibilities, and requirements for safe houses
 32 and their operators; providing for training for law
 33 enforcement officials who are likely to encounter sexually
 34 exploited children; amending s. 796.07, F.S.; revising
 35 prohibitions on prostitution and related acts; providing a
 36 civil penalty for use or threatened use of a deadly weapon
 37 during the commission of specified offenses; providing for
 38 an increased civil penalty and disposition of proceeds;
 39 conforming a cross-reference; amending ss. 985.145 and
 40 985.15, F.S.; providing a presumption against filing a
 41 delinquency petition for certain prostitution-related
 42 offenses in certain circumstances; providing an effective
 43 date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. This act may be cited as the "Florida Safe
 48 Harbor Act."

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

54 39.001 Purposes and intent; personnel standards and
 55 screening.—

56 (4) SEXUAL EXPLOITATION SERVICES.—

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

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

- 78 1. To ensure the safety of children.
- 79 2. To provide for the treatment of such children as
80 dependent children rather than as delinquents.
- 81 3. To sever the bond between exploited children and
82 traffickers and to reunite these children with their families or
83 provide them with appropriate guardians.

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

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

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

99 (8)-(7) OFFICE OF ADOPTION AND CHILD PROTECTION.-

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

101 1. Oversee the preparation and implementation of the state
 102 plan established under subsection (9) -(8) and revise and update
 103 the state plan as necessary.

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

107 3. Work to secure funding in the form of appropriations,
 108 gifts, and grants from the state, the Federal Government, and
 109 other public and private sources in order to ensure that
 110 sufficient funds are available for the promotion of adoption,
 111 support of adoptive families, and child abuse prevention

112 efforts.

113 4. Make recommendations pertaining to agreements or

114 contracts for the establishment and development of:

115 a. Programs and services for the promotion of adoption,

116 support of adoptive families, and prevention of child abuse and

117 neglect.

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

119 neglect.

120 c. Multidisciplinary and discipline-specific training

121 programs for professionals with responsibilities affecting

122 children, young adults, and families.

123 d. Efforts to promote adoption.

124 e. Postadoptive services to support adoptive families.

125 5. Monitor, evaluate, and review the development and

126 quality of local and statewide services and programs for the

127 promotion of adoption, support of adoptive families, and

128 prevention of child abuse and neglect and shall publish and

129 distribute an annual report of its findings on or before January

130 1 of each year to the Governor, the Speaker of the House of

131 Representatives, the President of the Senate, the head of each

132 state agency affected by the report, and the appropriate

133 substantive committees of the Legislature. The report shall

134 include:

135 a. A summary of the activities of the office.

136 b. A summary of the adoption data collected and reported

137 to the federal Adoption and Foster Care Analysis and Reporting

138 System (AFCARS) and the federal Administration for Children and

139 Families.

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

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

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

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

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

155 (10)~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

156 (b) The office and the other agencies and organizations
 157 listed in paragraph (9)~~(8)~~(a) shall readdress the state plan and
 158 make necessary revisions every 5 years, at a minimum. Such
 159 revisions shall be submitted to the Speaker of the House of
 160 Representatives and the President of the Senate no later than
 161 June 30 of each year divisible by 5. At least biennially, the
 162 office shall review the state plan and make any necessary
 163 revisions based on changing needs and program evaluation
 164 results. An annual progress report shall be submitted to update
 165 the state plan in the years between the 5-year intervals. In
 166 order to avoid duplication of effort, these required plans may
 167 be made a part of or merged with other plans required by either

168 the state or Federal Government, so long as the portions of the
 169 other state or Federal Government plan that constitute the state
 170 plan for the promotion of adoption, support of adoptive
 171 families, and prevention of child abuse, abandonment, and
 172 neglect are clearly identified as such and are provided to the
 173 Speaker of the House of Representatives and the President of the
 174 Senate as required above.

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

178 39.01 Definitions.—When used in this chapter, unless the
 179 context otherwise requires:

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

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

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

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

195 (c) To have been voluntarily placed with a licensed child-

196 | caring agency, a licensed child-placing agency, an adult
 197 | relative, the department, or the former Department of Health and
 198 | Rehabilitative Services, after which placement, under the
 199 | requirements of this chapter, a case plan has expired and the
 200 | parent or parents or legal custodians have failed to
 201 | substantially comply with the requirements of the plan;

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

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

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

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

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

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

- 220 | 1. Solicit for or engage in prostitution; ~~or~~
- 221 | 2. Engage in a sexual performance, as defined by chapter
- 222 | 827; or
- 223 | 3. Participate in the trade of sex trafficking as provided

224 in s. 796.035.

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

228 39.401 Taking a child alleged to be dependent into
 229 custody; law enforcement officers and authorized agents of the
 230 department.—

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

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

241
 242 For cases involving allegations of abandonment, abuse, or
 243 neglect, or other dependency cases, within 3 days after such
 244 release or within 3 days after delivering the child to an
 245 authorized agent of the department, the law enforcement officer
 246 who took the child into custody shall make a full written report
 247 to the department.

248 (3) If the child is taken into custody by, or is delivered
 249 to, an authorized agent of the department, the agent shall
 250 review the facts supporting the removal with an attorney
 251 representing the department. The purpose of the review is to

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252 determine whether there is probable cause for the filing of a
253 shelter petition.

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

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

276 39.402 Placement in a shelter.—

277 (2) A child taken into custody may be placed or continued
278 in a shelter only if one or more of the criteria in subsection
279 (1) applies and the court has made a specific finding of fact

280 regarding the necessity for removal of the child from the home
 281 and has made a determination that the provision of appropriate
 282 and available services will not eliminate the need for
 283 placement. In the case of a child who is alleged to have been
 284 sexually exploited, there is a rebuttable presumption that
 285 placement in a short-term safe house is necessary.

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

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

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

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

304 ~~3.2.~~ The court must determine that additional time is
 305 necessary, which may not exceed 72 hours, in which to obtain and
 306 review documents pertaining to the family in order to
 307 appropriately determine the risk to the child during which time

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308 | the child shall remain in the department's custody, if so
309 | ordered by the court.

310 | (h) The order for placement of a child in shelter care
311 | must identify the parties present at the hearing and must
312 | contain written findings:

313 | 1. That placement in shelter care is necessary based on
314 | the criteria in subsections (1) and (2).

315 | 2. That placement in shelter care is in the best interest
316 | of the child.

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

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

328 | 5. That the department has made reasonable efforts to
329 | prevent or eliminate the need for removal of the child from the
330 | home. A finding of reasonable effort by the department to
331 | prevent or eliminate the need for removal may be made and the
332 | department is deemed to have made reasonable efforts to prevent
333 | or eliminate the need for removal if:

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

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

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

346 d. The child has been sexually exploited; or

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

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

356 7. That the court notified the parents or legal custodians
 357 of their right to counsel to represent them at the shelter
 358 hearing and at each subsequent hearing or proceeding, and the
 359 right of the parents to appointed counsel, pursuant to the
 360 procedures set forth in s. 39.013.

361 8. That the court notified relatives who are providing
 362 out-of-home care for a child as a result of the shelter petition
 363 being granted that they have the right to attend all subsequent

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364 | hearings, to submit reports to the court, and to speak to the
 365 | court regarding the child, if they so desire.

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

369 | 39.521 Disposition hearings; powers of disposition.-

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

378 | (f) If the court places the child in an out-of-home
 379 | placement, the disposition order must include a written
 380 | determination that the child cannot safely remain at home with
 381 | reunification or family preservation services and that removal
 382 | of the child is necessary to protect the child. If the child is
 383 | removed before the disposition hearing, the order must also
 384 | include a written determination as to whether, after removal,
 385 | the department made a reasonable effort to reunify the parent
 386 | and child. Reasonable efforts to reunify are not required if the
 387 | court finds that any of the acts listed in s. 39.806(1)(f)-(l)
 388 | have occurred. The department has the burden of demonstrating
 389 | that it made reasonable efforts.

390 | 1. For the purposes of this paragraph, the term
 391 | "reasonable effort" means the exercise of reasonable diligence

392 and care by the department to provide the services ordered by
 393 the court or delineated in the case plan.

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

396 a. Enter written findings as to whether prevention or
 397 reunification efforts were indicated.

398 b. If prevention or reunification efforts were indicated,
 399 include a brief written description of what appropriate and
 400 available prevention and reunification efforts were made.

401 c. Indicate in writing why further efforts could or could
 402 not have prevented or shortened the separation of the parent and
 403 child.

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

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

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

412 c. The child cannot safely remain at home, because there
 413 are no preventive services that can ensure the health and safety
 414 of the child or, even with appropriate and available services
 415 being provided, the health and safety of the child cannot be
 416 ensured. There is a rebuttable presumption that a sexually
 417 exploited child as defined in s. 39.01(67)(g) meets the terms of
 418 this subparagraph; or

419 d. The parent is alleged to have committed any of the acts

420 listed as grounds for expedited termination of parental rights
 421 under s. 39.806(1)(f)-(l).

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

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

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

436 (d) If the child cannot be safely placed in a nonlicensed
 437 placement, the court shall commit the child to the temporary
 438 legal custody of the department. Such commitment invests in the
 439 department all rights and responsibilities of a legal custodian.
 440 The department shall not return any child to the physical care
 441 and custody of the person from whom the child was removed,
 442 except for court-approved visitation periods, without the
 443 approval of the court. Any order for visitation or other contact
 444 must conform to the provisions of s. 39.0139. There is a
 445 rebuttable presumption that any child who has been found to be a
 446 victim of sexual exploitation as defined in s. 39.01(67)(g) be
 447 committed to a safe house as provided for in s. 409.1678. The

448 term of such commitment continues until terminated by the court
 449 or until the child reaches the age of 18. After the child is
 450 committed to the temporary legal custody of the department, all
 451 further proceedings under this section are governed by this
 452 chapter.

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

470 Section 7. Section 39.524, Florida Statutes, is created to
 471 read:

472 39.524 Safe-harbor placement.—

473 (1) Except as provided in s. 39.407, any dependent child 6
 474 years of age or older who has been found to be a victim of
 475 sexual exploitation as defined in s. 39.01(67)(g) must be

476 assessed for placement in a safe house as provided in s.
477 409.1678. The assessment shall be conducted by the department or
478 its agent and shall incorporate and address current and
479 historical information from any law enforcement reports;
480 psychological testing or evaluation that has occurred; current
481 and historical information from the guardian ad litem, if one
482 has been assigned; current and historical information from any
483 current therapist, teacher, or other professional who has
484 knowledge of the child and has worked with the child; and any
485 other information concerning the availability and suitability of
486 safe-house placement. If such placement is determined to be
487 appropriate as a result of this procedure, the child must be
488 placed in a safe house, if available.

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

496 (3) Any safe house that receives children under this
497 section shall establish special permanency teams dedicated to
498 overcoming the special permanency challenges presented by this
499 population of children. Each facility shall report to the
500 department its success in achieving permanency for children
501 placed by the department in its care at intervals that allow the
502 current information to be provided to the court at each judicial
503 review for the child.

504 (4) This section does not prohibit the department from
505 assessing and placing children who do not meet the criteria in
506 subsection (1) in a safe house if such placement is the most
507 appropriate placement for such children.

508 (5) (a) 1. By December 1 of each year, the department shall
509 report to the Legislature on the placement of children in safe
510 houses during the year, including the criteria used to determine
511 the placement of children, the number of children who were
512 evaluated for placement, the number of children who were placed
513 based upon the evaluation, and the number of children who were
514 not placed.

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

522 (b) As part of the report required in paragraph (a), the
523 department shall also provide a detailed account of the
524 expenditures incurred for "Special Categories: Grants and Aids-
525 Safe Houses" for the fiscal year immediately preceding the date
526 of the report. The document must present the information by
527 district and must specify, at a minimum, the number of
528 additional beds, the average rate per bed, the number of
529 additional persons served, and a description of the enhanced and
530 expanded services provided.

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

533 322.28 Period of suspension or revocation.—

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

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

544 409.1678 Safe harbor for children who are victims of
 545 sexual exploitation.—

546 (1) It is the intent of the Legislature to provide safe
 547 houses and short-term safe houses for sexually exploited
 548 children to give them a secure residential environment; to allow
 549 them to be reintegrated into society as stable and productive
 550 members; and, if appropriate, to enable them to testify as
 551 witnesses in criminal proceedings related to their exploitation.
 552 Such children require a full range of services in addition to
 553 security, which include medical care, counseling, education, and
 554 mentoring. These services are to be provided in a secure
 555 residential setting by a not-for-profit corporation or a local
 556 government entity under a contract with the department or by a
 557 lead agency as described in s. 409.1671, provided that the
 558 expenditure of such funds is calculated by the department to be

559 a potential cost savings and more cost-effective than those
560 otherwise provided by the government. These contracts should be
561 designed to provide an identified number of children with access
562 to a full array of services for a fixed price. Further, it is
563 the intent of the Legislature that the department and the
564 Department of Juvenile Justice establish an interagency
565 agreement by December 1, 2010, which describes respective agency
566 responsibilities for referral, placement, service provision, and
567 service coordination for dependent and delinquent youth who are
568 referred to these residential group care facilities. The
569 agreement must require interagency collaboration in the
570 development of terms, conditions, and performance outcomes for
571 safe-house contracts serving these children who have been
572 adjudicated dependent or delinquent.

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

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

580 (b) "Safe house" means a living environment that has set
581 aside gender-specific, separate, and distinct living quarters
582 for sexually exploited children who have been adjudicated
583 dependent or delinquent and need to reside in a secure
584 residential facility with 24-hour-awake staff. A safe house
585 shall be operated by a licensed family foster home or
586 residential child-caring agency as defined in s. 409.175,

587 including a runaway youth center as defined in s. 409.441. Each
588 facility must be appropriately licensed in this state as a
589 residential child-caring agency as defined in s. 409.175 and
590 must be accredited by July 1, 2011. A safe house serving
591 children who have been sexually exploited must have available
592 staff or contract personnel with the clinical expertise,
593 credentials, and training to provide services identified in
594 paragraph (3) (e).

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

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

609 (3) (a) Notwithstanding any other provision of law,
610 pursuant to regulations of the department, every district of the
611 department shall address the child welfare service needs of
612 sexually exploited children as a component of the district's
613 master plan and, to the extent that funds are available, ensure
614 that preventive services, including a short-term safe house to

615 serve sexually exploited children, are available to children
616 residing in the district. The department or a lead agency that
617 has been established in accordance with s. 409.1671 shall
618 contract with an appropriate not-for-profit agency with
619 experience working with sexually exploited children to operate
620 such a short-term safe house. Nothing in this section shall
621 prohibit a district from using a homeless youth program or
622 services for victims of human trafficking for such purposes so
623 long as the staff members have received appropriate training
624 approved by the department regarding sexually exploited children
625 and the existing programs and facilities provide a safe, secure,
626 and appropriate environment for sexually exploited children.
627 Crisis intervention services, short-term safe-house care, and
628 community programming may, where appropriate, be provided by the
629 same not-for-profit agency. Districts may work cooperatively to
630 provide such short-term safe-house services and programming, and
631 access to such placement, services, and programming may be
632 provided on a regional basis, provided that every district
633 ensures, to the extent that funds are available, that such
634 placement, services, and programs are readily accessible to
635 sexually exploited children residing within the district.

636 (b) The capacity of the crisis intervention services and
637 community-based programs in subsection (1) shall be based on the
638 number of sexually exploited children in each district who are
639 in need of such services. A determination of such need shall be
640 made annually in every district by the local administrator of
641 the department and be included in the department's master plan.
642 This determination shall be made in consultation with local law

643 enforcement, runaway and homeless youth program providers, local
644 probation departments, local community-based care and social
645 services, local guardians ad litem, public defenders, state
646 attorney's offices, and child advocates and services providers
647 who work directly with sexually exploited youth.

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

662 (d) The department, in accordance with a specific
663 appropriation for this program, shall contract with a not-for-
664 profit corporation, a local government entity, or a lead agency
665 that has been established in accordance with s. 409.1671 for the
666 performance of short-term safe-house and safe-house services
667 described in this section. A lead agency that is currently
668 providing the equivalent of a safe house may provide this
669 service directly with the approval of the department. The
670 department or a lead agency may contract for more than one

671 short-term safe house in a district and more than one safe house
 672 in the state if that is determined to be the most effective way
 673 to achieve the goals of this section.

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

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

694 (g) This section does not prohibit any provider of these
 695 services from appropriately billing Medicaid for services
 696 rendered, from contracting with a local school district for
 697 educational services, or from obtaining federal or local funding
 698 for services provided, as long as two or more funding sources do

699 not pay for the same specific service that has been provided to
 700 a child.

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

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

710 (j) The provisions of this section shall be implemented to
 711 the extent of available appropriations contained in the General
 712 Appropriations Act for such purpose.

713 (k) The department may adopt rules pursuant to ss.
 714 120.536(1) and 120.54 to implement the provisions of this
 715 section conferring duties upon it.

716 (l) All of the services created under this section may, to
 717 the extent possible provided by law, be available to all
 718 sexually exploited children whether they are accessed
 719 voluntarily, as a condition of probation, through a diversion
 720 program, through a proceeding under chapter 39, or through a
 721 referral from a local community based care or social service
 722 agency.

723 (4) The local district administrator may, to the extent
 724 that funds are available, in conjunction with local law
 725 enforcement officials, contract with an appropriate not-for-
 726 profit agency with experience working with sexually exploited

727 children to train law enforcement officials who are likely to
 728 encounter sexually exploited children in the course of their law
 729 enforcement duties on the provisions of this section and how to
 730 identify and obtain appropriate services for sexually exploited
 731 children. Districts may work cooperatively to provide such
 732 training, and such training may be provided on a regional basis.
 733 The department shall assist districts in obtaining any available
 734 funds for the purposes of conducting law enforcement training
 735 from the United States Department of Justice, Office of Juvenile
 736 Justice and Delinquency Prevention.

737 Section 10. Present subsection (2) and (6) of section
 738 796.07, Florida Statutes, are amended, present subsections (3)
 739 through (6) are redesignated as subsections (4) through (7),
 740 respectively, and a new subsection (3) is added to that section,
 741 to read:

742 796.07 Prohibiting prostitution and related acts, ~~etc.;~~
 743 ~~evidence; penalties; definitions.~~

744 (2) It is unlawful to:

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

748 (b) ~~To~~ Offer, or to offer or agree to secure, another for
 749 the purpose of prostitution or for any other lewd or indecent
 750 act.

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

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

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

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

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

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

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

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

774 (3) It is unlawful for any person 16 years of age or older
 775 to:

776 (a) Purchase the services of any person engaged in
 777 prostitution.

778 (b) Offer to commit, or to commit, or to engage in,
 779 prostitution, lewdness, or assignation.

780 (c) Reside in, enter, or remain in, any place, structure,
 781 or building, or to enter or remain in any conveyance, for the
 782 purpose of prostitution, lewdness, or assignation.

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

785 (7)-(6) A person who violates paragraph (2) (e) or paragraph
 786 (2) (f) shall be assessed a civil penalty of \$5,000 ~~\$500~~ if the
 787 violation results in any judicial disposition other than
 788 acquittal or dismissal. Of the proceeds from each penalty
 789 ~~penalties~~ assessed under this subsection \$500 shall be paid to
 790 the circuit court administrator for the sole purpose of paying
 791 the administrative costs of treatment-based drug court programs
 792 provided under s. 397.334 and \$4,500 shall be paid to the
 793 Department of Children and Family Services for the sole purpose
 794 of funding safe houses and short-term safe houses as provided in
 795 s. 409.1678.

796 Section 11. Paragraph (i) of subsection (1) of section
 797 985.145, Florida Statutes, is amended to read:

798 985.145 Responsibilities of juvenile probation officer
 799 during intake; screenings and assessments.—

800 (1) The juvenile probation officer shall serve as the
 801 primary case manager for the purpose of managing, coordinating,
 802 and monitoring the services provided to the child. Each program
 803 administrator within the Department of Children and Family
 804 Services shall cooperate with the primary case manager in
 805 carrying out the duties and responsibilities described in this
 806 section. In addition to duties specified in other sections and
 807 through departmental rules, the assigned juvenile probation
 808 officer shall be responsible for the following:

809 (i) Recommendation concerning a petition.—Upon determining
 810 that the report, affidavit, or complaint complies with the

811 standards of a probable cause affidavit and that the interests
 812 of the child and the public will be best served, the juvenile
 813 probation officer may recommend that a delinquency petition not
 814 be filed. If such a recommendation is made, the juvenile
 815 probation officer shall advise in writing the person or agency
 816 making the report, affidavit, or complaint, the victim, if any,
 817 and the law enforcement agency having investigative jurisdiction
 818 over the offense of the recommendation; the reasons therefor;
 819 and that the person or agency may submit, within 10 days after
 820 the receipt of such notice, the report, affidavit, or complaint
 821 to the state attorney for special review. In the case of a
 822 report, affidavit, or complaint alleging a violation of s.
 823 796.07(3), there is a presumption that the juvenile probation
 824 officer recommend that a petition not be filed unless the child
 825 has previously been adjudicated delinquent. The state attorney,
 826 upon receiving a request for special review, shall consider the
 827 facts presented by the report, affidavit, or complaint, and by
 828 the juvenile probation officer who made the recommendation that
 829 no petition be filed, before making a final decision as to
 830 whether a petition or information should or should not be filed.

831 Section 12. Paragraph (c) of subsection (1) of section
 832 985.15, Florida Statutes, is amended to read:

833 985.15 Filing decisions.—

834 (1) The state attorney may in all cases take action
 835 independent of the action or lack of action of the juvenile
 836 probation officer and shall determine the action that is in the
 837 best interest of the public and the child. If the child meets
 838 the criteria requiring prosecution as an adult under s. 985.556,

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839 | the state attorney shall request the court to transfer and
840 | certify the child for prosecution as an adult or shall provide
841 | written reasons to the court for not making such a request. In
842 | all other cases, the state attorney may:

843 | (c) File a petition for delinquency. In the case of a
844 | report, affidavit, or complaint alleging a violation of s.
845 | 796.07(3), there is a presumption that a petition not be filed
846 | unless the child has previously been adjudicated delinquent;

847 | Section 13. This act shall take effect July 1, 2010.