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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

46  
47 Be It Enacted by the Legislature of the State of Florida:

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

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

56 39.001 Purposes and intent; personnel standards and

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57 screening.—

58 (4) SEXUAL EXPLOITATION SERVICES.—

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

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

80 1. To ensure the safety of children.

81 2. To provide for the treatment of such children as  
82 dependent children rather than as delinquents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125 d. Efforts to promote adoption.

126 e. Postadoptive services to support adoptive families.

127 5. Monitor, evaluate, and review the development and  
128 quality of local and statewide services and programs for the  
129 promotion of adoption, support of adoptive families, and  
130 prevention of child abuse and neglect and shall publish and  
131 distribute an annual report of its findings on or before January  
132 1 of each year to the Governor, the Speaker of the House of  
133 Representatives, the President of the Senate, the head of each  
134 state agency affected by the report, and the appropriate  
135 substantive committees of the Legislature. The report shall  
136 include:

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

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

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

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

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

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

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

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

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

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

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

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

180 39.01 Definitions.—When used in this chapter, unless the  
 181 context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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279 | 39.402 Placement in a shelter.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

349 d. The child has been sexually exploited; or

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

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

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

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363 procedures set forth in s. 39.013.

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

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

372 39.521 Disposition hearings; powers of disposition.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

475 39.524 Safe-harbor placement.—

476 (1) Except as provided in s. 39.407, any dependent child 6  
477 years of age or older who has been found to be a victim of  
478 sexual exploitation as defined in s. 39.01(67)(g) must be  
479 assessed for placement in a safe house as provided in s.  
480 409.1678. The assessment shall be conducted by the department or  
481 its agent and shall incorporate and address current and  
482 historical information from any law enforcement reports;  
483 psychological testing or evaluation that has occurred; current  
484 and historical information from the guardian ad litem, if one  
485 has been assigned; current and historical information from any  
486 current therapist, teacher, or other professional who has  
487 knowledge of the child and has worked with the child; and any  
488 other information concerning the availability and suitability of  
489 safe-house placement. If such placement is determined to be  
490 appropriate as a result of this procedure, the child must be  
491 placed in a safe house, if one is available.

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

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

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

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

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

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

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

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

534 322.28 Period of suspension or revocation.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

747 (2) It is unlawful to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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780 to:

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

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

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

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

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

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

803 960.065 Eligibility for awards.—

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

806 (a) A victim.

807 (b) An intervenor.

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

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

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

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

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

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

822 (d) Has been adjudicated as a habitual felony offender,  
 823 habitual violent offender, or violent career criminal under s.  
 824 775.084; or

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

827  
 828 is ineligible ~~shall not be eligible~~ for an award.

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

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

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

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

856 Section 12. Paragraph (b) of subsection (2) of section  
857 985.115, Florida Statutes, is amended to read:

858 985.115 Release or delivery from custody.—

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

863 (b) Contingent upon specific appropriation, to a shelter

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

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

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

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

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



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

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

903 985.15 Filing decisions.—

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

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

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