

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; creating s. 409.1678,
23 F.S.; providing definitions; requiring circuits of the
24 Department of Children and Family Services to address
25 child welfare service needs of sexually exploited children
26 as a component of their master plans; providing duties,
27 responsibilities, and requirements for safe houses and
28 their operators; providing for training for law

29 enforcement officials who are likely to encounter sexually
 30 exploited children; amending s. 796.07, F.S.; providing
 31 for an increased civil penalty for soliciting another to
 32 commit prostitution or related acts; providing for
 33 disposition of proceeds; amending s. 960.065, F.S.;
 34 allowing victim compensation for sexually exploited
 35 children; amending s. 985.115, F.S.; conforming a
 36 provision to changes made by the act; amending ss. 985.145
 37 and 985.15, F.S.; providing a presumption against filing a
 38 delinquency petition for certain prostitution-related
 39 offenses in certain circumstances; providing an effective
 40 date.

41

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

43

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

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

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

53 (4) SEXUAL EXPLOITATION SERVICES.—

54 (a) The Legislature recognizes that child sexual
 55 exploitation is a serious problem nationwide and in this state.
 56 The children at greatest risk of being sexually exploited are

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

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

75 1. To ensure the safety of children.

76 2. To provide for the treatment of such children as
77 dependent children rather than as delinquents.

78 3. To sever the bond between exploited children and
79 traffickers and to reunite these children with their families or
80 provide them with appropriate guardians.

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

83 (c) The Legislature finds that sexually exploited children
84 need special care and services in the dependency process,

85 including counseling, health care, substance abuse treatment,
 86 educational opportunities, and a safe environment secure from
 87 traffickers.

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

96 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.-

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

98 1. Oversee the preparation and implementation of the state
 99 plan established under subsection (9) ~~(8)~~ and revise and update
 100 the state plan as necessary.

101 2. Provide for or make available continuing professional
 102 education and training in the prevention of child abuse and
 103 neglect.

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

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

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

113 support of adoptive families, and prevention of child abuse and
 114 neglect.

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

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

120 d. Efforts to promote adoption.

121 e. Postadoptive services to support adoptive families.

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

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

133 b. A summary of the adoption data collected and reported
 134 to the federal Adoption and Foster Care Analysis and Reporting
 135 System (AFCARS) and the federal Administration for Children and
 136 Families.

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

141 d. A summary detailing the timeliness of the adoption
 142 process for children adopted from within the child welfare
 143 system.

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

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

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

152 (10)~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

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

169 neglect are clearly identified as such and are provided to the
 170 Speaker of the House of Representatives and the President of the
 171 Senate as required above.

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

175 39.01 Definitions.—When used in this chapter, unless the
 176 context otherwise requires:

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

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

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

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

192 (c) To have been voluntarily placed with a licensed child-
 193 caring agency, a licensed child-placing agency, an adult
 194 relative, the department, or the former Department of Health and
 195 Rehabilitative Services, after which placement, under the
 196 requirements of this chapter, a case plan has expired and the

197 parent or parents or legal custodians have failed to
 198 substantially comply with the requirements of the plan;

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

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

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

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

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

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

- 217 1. Solicit for or engage in prostitution; ~~or~~
- 218 2. Engage in a sexual performance, as defined by chapter
 219 827; or
- 220 3. Participate in the trade of sex trafficking as provided
 221 in s. 796.035.

222 Section 4. Paragraph (b) of subsection (2) and paragraph
 223 (b) of subsection (3) of section 39.401, Florida Statutes, are
 224 amended to read:

225 39.401 Taking a child alleged to be dependent into
 226 custody; law enforcement officers and authorized agents of the
 227 department.—

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

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

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

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

252 (b) If the facts are sufficient and the child has not been

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

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

274 39.402 Placement in a shelter.—

275 (2) A child taken into custody may be placed or continued
 276 in a shelter only if one or more of the criteria in subsection
 277 (1) apply ~~applies~~ and the court has made a specific finding of
 278 fact regarding the necessity for removal of the child from the
 279 home and has made a determination that the provision of
 280 appropriate and available services will not eliminate the need

281 for placement. In the case of a child who is alleged to have
 282 been sexually exploited, there is a rebuttable presumption that
 283 placement in a short-term safe house is necessary.

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

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

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

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

302 ~~3.2.~~ The court must determine that additional time is
 303 necessary, which may not exceed 72 hours, in which to obtain and
 304 review documents pertaining to the family in order to
 305 appropriately determine the risk to the child during which time
 306 the child shall remain in the department's custody, if so
 307 ordered by the court.

308 (h) The order for placement of a child in shelter care

309 must identify the parties present at the hearing and must
310 contain written findings:

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

313 2. That placement in shelter care is in the best interest
314 of the child.

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

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

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

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

334 b. The appraisal of the home situation by the department
335 indicates that the home situation presents a substantial and
336 immediate danger to the child's physical, mental, or emotional

337 health or safety which cannot be mitigated by the provision of
338 preventive services;

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

344 d. The child has been sexually exploited; or

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

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

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

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

364 Section 6. Paragraph (f) of subsection (1) and paragraph

365 (d) of subsection (3) of section 39.521, Florida Statutes, are
366 amended to read:

367 39.521 Disposition hearings; powers of disposition.—

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

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

388 1. For the purposes of this paragraph, the term
389 "reasonable effort" means the exercise of reasonable diligence
390 and care by the department to provide the services ordered by
391 the court or delineated in the case plan.

392 2. In support of its determination as to whether

393 reasonable efforts have been made, the court shall:

394 a. Enter written findings as to whether prevention or

395 reunification efforts were indicated.

396 b. If prevention or reunification efforts were indicated,

397 include a brief written description of what appropriate and

398 available prevention and reunification efforts were made.

399 c. Indicate in writing why further efforts could or could

400 not have prevented or shortened the separation of the parent and

401 child.

402 3. A court may find that the department made a reasonable

403 effort to prevent or eliminate the need for removal if:

404 a. The first contact of the department with the family

405 occurs during an emergency;

406 b. The appraisal by the department of the home situation

407 indicates a substantial and immediate danger to the child's

408 safety or physical, mental, or emotional health which cannot be

409 mitigated by the provision of preventive services;

410 c. The child cannot safely remain at home, because there

411 are no preventive services that can ensure the health and safety

412 of the child or, even with appropriate and available services

413 being provided, the health and safety of the child cannot be

414 ensured. There is a rebuttable presumption that any child who

415 has been found to be a victim of sexual exploitation as defined

416 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or

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

418 listed as grounds for expedited termination of parental rights

419 under s. 39.806(1)(f)-(l).

420 4. A reasonable effort by the department for reunification

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

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

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

434 (d) If the child cannot be safely placed in a nonlicensed
435 placement, the court shall commit the child to the temporary
436 legal custody of the department. Such commitment invests in the
437 department all rights and responsibilities of a legal custodian.
438 The department shall not return any child to the physical care
439 and custody of the person from whom the child was removed,
440 except for court-approved visitation periods, without the
441 approval of the court. Any order for visitation or other contact
442 must conform to the provisions of s. 39.0139. There is a
443 rebuttable presumption that any child who has been found to be a
444 victim of sexual exploitation as defined in s. 39.01(67)(g) be
445 committed to a safe house as provided for in s. 409.1678. The
446 term of such commitment continues until terminated by the court
447 or until the child reaches the age of 18. After the child is
448 committed to the temporary legal custody of the department, all

449 further proceedings under this section are governed by this
 450 chapter.

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

468 Section 7. Section 39.524, Florida Statutes, is created to
 469 read:

470 39.524 Safe-harbor placement.—

471 (1) Except as provided in s. 39.407, any dependent child 6
 472 years of age or older who has been found to be a victim of
 473 sexual exploitation as defined in s. 39.01(67)(g) must be
 474 assessed for placement in a safe house as provided in s.
 475 409.1678. The assessment shall be conducted by the department or
 476 its agent and shall incorporate and address current and

477 historical information from any law enforcement reports;
478 psychological testing or evaluation that has occurred; current
479 and historical information from the guardian ad litem, if one
480 has been assigned; current and historical information from any
481 current therapist, teacher, or other professional who has
482 knowledge of the child and has worked with the child; and any
483 other information concerning the availability and suitability of
484 safe-house placement. If such placement is determined to be
485 appropriate as a result of this procedure, the child must be
486 placed in a safe house, if one is available. As used in this
487 section, the term "available" as it relates to a placement means
488 a placement that is located within the circuit or that is
489 otherwise reasonably accessible.

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

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

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

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

519 Section 8. Section 409.1678, Florida Statutes, is created
520 to read:

521 409.1678 Safe harbor for children who are victims of
522 sexual exploitation.—

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

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

530 (b) "Safe house" means a living environment that has set
531 aside gender-specific, separate, and distinct living quarters
532 for sexually exploited children who have been adjudicated

533 dependent or delinquent and need to reside in a secure
534 residential facility with staff members awake 24 hours a day. A
535 safe house shall be operated by a licensed family foster home or
536 residential child-caring agency as defined in s. 409.175,
537 including a runaway youth center as defined in s. 409.441. Each
538 facility must be appropriately licensed in this state as a
539 residential child-caring agency as defined in s. 409.175 and
540 must be accredited by July 1, 2012. A safe house serving
541 children who have been sexually exploited must have available
542 staff or contract personnel with the clinical expertise,
543 credentials, and training to provide services identified in
544 paragraph (2) (b).

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

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

551 (e) "Short-term safe house" means a shelter operated by a
552 licensed residential child-caring agency as defined in s.
553 409.175, including a runaway youth center as defined in s.
554 409.441, that has set aside gender-specific, separate, and
555 distinct living quarters for sexually exploited children. In
556 addition to shelter, the house shall provide services and care
557 to sexually exploited children, including food, clothing,
558 medical care, counseling, and appropriate crisis intervention
559 services at the time they are taken into custody by law
560 enforcement or the department.

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

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

584 (c) This section does not prohibit any provider of these
585 services from appropriately billing Medicaid for services
586 rendered, from contracting with a local school district for
587 educational services, or from obtaining federal or local funding
588 for services provided, as long as two or more funding sources do

589 not pay for the same specific service that has been provided to
590 a child.

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

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

606 (3) The local circuit administrator may, to the extent
607 that funds are available, in conjunction with local law
608 enforcement officials, contract with an appropriate not-for-
609 profit agency having experience working with sexually exploited
610 children to train law enforcement officials who are likely to
611 encounter sexually exploited children in the course of their law
612 enforcement duties on the provisions of this section and how to
613 identify and obtain appropriate services for sexually exploited
614 children. Circuits may work cooperatively to provide such
615 training, and such training may be provided on a regional basis.
616 The department shall assist circuits in obtaining any available

617 funds for the purposes of conducting law enforcement training
 618 from the Office of Juvenile Justice and Delinquency Prevention
 619 of the United States Department of Justice.

620 Section 9. Paragraph (f) of subsection (2) of section
 621 796.07, Florida Statutes, is republished, and subsection (6) of
 622 that section is amended, to read:

623 796.07 Prohibiting prostitution and related acts, ~~etc.~~;
 624 ~~evidence; penalties; definitions.~~—

625 (2) It is unlawful:

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

628 (6) A person who violates paragraph (2)(f) shall be
 629 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
 630 in any judicial disposition other than acquittal or dismissal.
 631 Of the proceeds from each penalty ~~penalties~~ assessed under this
 632 subsection, \$500 shall be paid to the circuit court
 633 administrator for the sole purpose of paying the administrative
 634 costs of treatment-based drug court programs provided under s.
 635 397.334 and \$4,500 shall be paid to the Department of Children
 636 and Family Services for the sole purpose of funding safe houses
 637 and short-term safe houses as provided in s. 409.1678.

638 Section 10. Section 960.065, Florida Statutes, is amended
 639 to read:

640 960.065 Eligibility for awards.—

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

643 (a) A victim.

644 (b) An intervenor.

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

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

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

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

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

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

659 (d) Has been adjudicated as a habitual felony offender,
 660 habitual violent offender, or violent career criminal under s.
 661 775.084; or

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

664
 665 is ineligible ~~shall not be eligible~~ for an award.

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

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

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

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

693 | Section 11. Paragraph (b) of subsection (2) of section
 694 | 985.115, Florida Statutes, is amended to read:

695 | 985.115 Release or delivery from custody.—

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

700 | (b) Contingent upon specific appropriation, to a shelter

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

703 Section 12. Paragraph (i) of subsection (1) of section
 704 985.145, Florida Statutes, is amended to read:

705 985.145 Responsibilities of juvenile probation officer
 706 during intake; screenings and assessments.-

707 (1) The juvenile probation officer shall serve as the
 708 primary case manager for the purpose of managing, coordinating,
 709 and monitoring the services provided to the child. Each program
 710 administrator within the Department of Children and Family
 711 Services shall cooperate with the primary case manager in
 712 carrying out the duties and responsibilities described in this
 713 section. In addition to duties specified in other sections and
 714 through departmental rules, the assigned juvenile probation
 715 officer shall be responsible for the following:

716 (i) Recommendation concerning a petition.-Upon determining
 717 that the report, affidavit, or complaint complies with the
 718 standards of a probable cause affidavit and that the interests
 719 of the child and the public will be best served, the juvenile
 720 probation officer may recommend that a delinquency petition not
 721 be filed. If such a recommendation is made, the juvenile
 722 probation officer shall advise in writing the person or agency
 723 making the report, affidavit, or complaint, the victim, if any,
 724 and the law enforcement agency having investigative jurisdiction
 725 over the offense of the recommendation; the reasons therefor;
 726 and that the person or agency may submit, within 10 days after
 727 the receipt of such notice, the report, affidavit, or complaint
 728 to the state attorney for special review. In the case of a

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729 report, affidavit, or complaint alleging a violation of s.
730 796.07(2)(f), there is a presumption that the juvenile probation
731 officer recommend that a petition not be filed unless the child
732 has previously been adjudicated delinquent. The state attorney,
733 upon receiving a request for special review, shall consider the
734 facts presented by the report, affidavit, or complaint, and by
735 the juvenile probation officer who made the recommendation that
736 no petition be filed, before making a final decision as to
737 whether a petition or information should or should not be filed.

738 Section 13. Paragraph (c) of subsection (1) of section
739 985.15, Florida Statutes, is amended to read:

740 985.15 Filing decisions.—

741 (1) The state attorney may in all cases take action
742 independent of the action or lack of action of the juvenile
743 probation officer and shall determine the action that is in the
744 best interest of the public and the child. If the child meets
745 the criteria requiring prosecution as an adult under s. 985.556,
746 the state attorney shall request the court to transfer and
747 certify the child for prosecution as an adult or shall provide
748 written reasons to the court for not making such a request. In
749 all other cases, the state attorney may:

750 (c) File a petition for delinquency. In the case of a
751 report, affidavit, or complaint alleging a violation of s.
752 796.07(2)(f), there is a presumption that a petition not be
753 filed unless the child has previously been adjudicated
754 delinquent;

755 Section 14. This act shall take effect January 1, 2012.