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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2012	.	
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The Committee on Budget (Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

39.001 Purposes and intent; personnel standards and



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13 screening.-

14 (4) SEXUAL EXPLOITATION SERVICES.-

15 (a) The Legislature recognizes that child sexual  
16 exploitation is a serious problem nationwide and in this state.  
17 The children at greatest risk of being sexually exploited are  
18 runaways and throwaways. Many of these children have a history  
19 of abuse and neglect. The vulnerability of these children starts  
20 with isolation from family and friends. Traffickers maintain  
21 control of child victims through psychological manipulation,  
22 force, drug addiction, or the exploitation of economic,  
23 physical, or emotional vulnerability. Children exploited through  
24 the sex trade often find it difficult to trust adults because of  
25 their abusive experiences. These children make up a population  
26 that is difficult to serve and even more difficult to  
27 rehabilitate.

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

31 1. To ensure the safety of children.

32 2. To provide for the treatment of such children as  
33 dependent children rather than as delinquents.

34 3. To sever the bond between exploited children and  
35 traffickers and to reunite these children with their families or  
36 provide them with appropriate guardians.

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

39 (c) The Legislature finds that sexually exploited children  
40 need special care and services in the dependency process,  
41 including counseling, health care, substance abuse treatment,



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42 educational opportunities, and a safe environment secure from  
43 traffickers.

44 (d) The Legislature further finds that sexually exploited  
45 children need the special care and services described in  
46 paragraph (c) independent of their citizenship, residency,  
47 alien, or immigrant status. It is the intent of the Legislature  
48 that this state provide such care and services to all sexually  
49 exploited children in this state who are not otherwise receiving  
50 comparable services, such as those under the federal Trafficking  
51 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

52 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.-

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

54 1. Oversee the preparation and implementation of the state  
55 plan established under subsection (9) ~~(8)~~ and revise and update  
56 the state plan as necessary.

57 2. Provide for or make available continuing professional  
58 education and training in the prevention of child abuse and  
59 neglect.

60 3. Work to secure funding in the form of appropriations,  
61 gifts, and grants from the state, the Federal Government, and  
62 other public and private sources in order to ensure that  
63 sufficient funds are available for the promotion of adoption,  
64 support of adoptive families, and child abuse prevention  
65 efforts.

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

68 a. Programs and services for the promotion of adoption,  
69 support of adoptive families, and prevention of child abuse and  
70 neglect.



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71           b. Training programs for the prevention of child abuse and  
72 neglect.

73           c. Multidisciplinary and discipline-specific training  
74 programs for professionals with responsibilities affecting  
75 children, young adults, and families.

76           d. Efforts to promote adoption.

77           e. Postadoptive services to support adoptive families.

78           5. Monitor, evaluate, and review the development and  
79 quality of local and statewide services and programs for the  
80 promotion of adoption, support of adoptive families, and  
81 prevention of child abuse and neglect and shall publish and  
82 distribute an annual report of its findings on or before January  
83 1 of each year to the Governor, the Speaker of the House of  
84 Representatives, the President of the Senate, the head of each  
85 state agency affected by the report, and the appropriate  
86 substantive committees of the Legislature. The report shall  
87 include:

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

89           b. A summary of the adoption data collected and reported to  
90 the federal Adoption and Foster Care Analysis and Reporting  
91 System (AFCARS) and the federal Administration for Children and  
92 Families.

93           c. A summary of the child abuse prevention data collected  
94 and reported to the National Child Abuse and Neglect Data System  
95 (NCANDS) and the federal Administration for Children and  
96 Families.

97           d. A summary detailing the timeliness of the adoption  
98 process for children adopted from within the child welfare  
99 system.



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100 e. Recommendations, by state agency, for the further  
101 development and improvement of services and programs for the  
102 promotion of adoption, support of adoptive families, and  
103 prevention of child abuse and neglect.

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

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

108 (10)~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

109 (b) The office and the other agencies and organizations  
110 listed in paragraph (9) (a) ~~(8) (a)~~ shall readdress the state plan  
111 and make necessary revisions every 5 years, at a minimum. Such  
112 revisions shall be submitted to the Speaker of the House of  
113 Representatives and the President of the Senate no later than  
114 June 30 of each year divisible by 5. At least biennially, the  
115 office shall review the state plan and make any necessary  
116 revisions based on changing needs and program evaluation  
117 results. An annual progress report shall be submitted to update  
118 the state plan in the years between the 5-year intervals. In  
119 order to avoid duplication of effort, these required plans may  
120 be made a part of or merged with other plans required by either  
121 the state or Federal Government, so long as the portions of the  
122 other state or Federal Government plan that constitute the state  
123 plan for the promotion of adoption, support of adoptive  
124 families, and prevention of child abuse, abandonment, and  
125 neglect are clearly identified as such and are provided to the  
126 Speaker of the House of Representatives and the President of the  
127 Senate as required above.

128 Section 3. Subsections (2), (15), and (67) of section



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129 39.01, Florida Statutes, are amended to read:

130 39.01 Definitions.—When used in this chapter, unless the  
131 context otherwise requires:

132 (2) "Abuse" means any willful act or threatened act that  
133 results in any physical, mental, or sexual abuse, injury, or  
134 harm that causes or is likely to cause the child's physical,  
135 mental, or emotional health to be significantly impaired. Abuse  
136 of a child includes acts or omissions. Corporal discipline of a  
137 child by a parent or legal custodian for disciplinary purposes  
138 does not in itself constitute abuse when it does not result in  
139 harm to the child.

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

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

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

147 (c) To have been voluntarily placed with a licensed child-  
148 caring agency, a licensed child-placing agency, an adult  
149 relative, the department, or the former Department of Health and  
150 Rehabilitative Services, after which placement, under the  
151 requirements of this chapter, a case plan has expired and the  
152 parent or parents or legal custodians have failed to  
153 substantially comply with the requirements of the plan;

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



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

160 (f) To be at substantial risk of imminent abuse,  
161 abandonment, or neglect by the parent or parents or legal  
162 custodians; or

163 (g) To have been sexually exploited and to have no parent,  
164 legal custodian, or responsible adult relative currently known  
165 and capable of providing the necessary and appropriate  
166 supervision and care.

167 (67) "Sexual abuse of a child" for purposes of finding a  
168 child to be dependent means one or more of the following acts:

169 (a) Any penetration, however slight, of the vagina or anal  
170 opening of one person by the penis of another person, whether or  
171 not there is the emission of semen.

172 (b) Any sexual contact between the genitals or anal opening  
173 of one person and the mouth or tongue of another person.

174 (c) Any intrusion by one person into the genitals or anal  
175 opening of another person, including the use of any object for  
176 this purpose, except that this does not include any act intended  
177 for a valid medical purpose.

178 (d) The intentional touching of the genitals or intimate  
179 parts, including the breasts, genital area, groin, inner thighs,  
180 and buttocks, or the clothing covering them, of either the child  
181 or the perpetrator, except that this does not include:

182 1. Any act which may reasonably be construed to be a normal  
183 caregiver responsibility, any interaction with, or affection for  
184 a child; or

185 2. Any act intended for a valid medical purpose.

186 (e) The intentional masturbation of the perpetrator's



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187 genitals in the presence of a child.

188 (f) The intentional exposure of the perpetrator's genitals  
189 in the presence of a child, or any other sexual act  
190 intentionally perpetrated in the presence of a child, if such  
191 exposure or sexual act is for the purpose of sexual arousal or  
192 gratification, aggression, degradation, or other similar  
193 purpose.

194 (g) The sexual exploitation of a child, which includes the  
195 act of a child offering to engage in or engaging in  
196 prostitution, provided that the child is not under arrest or is  
197 not being prosecuted in a delinquency or criminal proceeding for  
198 a violation of any offense in chapter 796 based on such  
199 behavior; or allowing, encouraging, or forcing a child to:

- 200 1. Solicit for or engage in prostitution; ~~or~~  
201 2. Engage in a sexual performance, as defined by chapter  
202 827; or  
203 3. Participate in the trade of sex trafficking as provided  
204 in s. 796.035.

205 Section 4. Paragraph (b) of subsection (2) and paragraph  
206 (b) of subsection (3) of section 39.401, Florida Statutes, are  
207 amended to read:

208 39.401 Taking a child alleged to be dependent into custody;  
209 law enforcement officers and authorized agents of the  
210 department.—

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

213 (b) Deliver the child to an authorized agent of the  
214 department, stating the facts by reason of which the child was  
215 taken into custody and sufficient information to establish





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216 probable cause that the child is abandoned, abused, or  
217 neglected, or otherwise dependent. For such a child for whom  
218 there is also probable cause to believe he or she has been  
219 sexually exploited, the law enforcement officer shall deliver  
220 the child to the department. The department may place the child  
221 in an appropriate short-term safe house as provided for in s.  
222 409.1678 if a short-term safe house is available.

223  
224 For cases involving allegations of abandonment, abuse, or  
225 neglect, or other dependency cases, within 3 days after such  
226 release or within 3 days after delivering the child to an  
227 authorized agent of the department, the law enforcement officer  
228 who took the child into custody shall make a full written report  
229 to the department.

230 (3) If the child is taken into custody by, or is delivered  
231 to, an authorized agent of the department, the agent shall  
232 review the facts supporting the removal with an attorney  
233 representing the department. The purpose of the review is to  
234 determine whether there is probable cause for the filing of a  
235 shelter petition.

236 (b) If the facts are sufficient and the child has not been  
237 returned to the custody of the parent or legal custodian, the  
238 department shall file the petition and schedule a hearing, and  
239 the attorney representing the department shall request that a  
240 shelter hearing be held within 24 hours after the removal of the  
241 child. While awaiting the shelter hearing, the authorized agent  
242 of the department may place the child in licensed shelter care,  
243 or in a short-term safe house if the child is a sexually  
244 exploited child, or may release the child to a parent or legal



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245 custodian or responsible adult relative or the adoptive parent  
246 of the child's sibling who shall be given priority consideration  
247 over a licensed placement, or a responsible adult approved by  
248 the department if this is in the best interests of the child.  
249 Placement of a child which is not in a licensed shelter must be  
250 preceded by a criminal history records check as required under  
251 s. 39.0138. In addition, the department may authorize placement  
252 of a housekeeper/homemaker in the home of a child alleged to be  
253 dependent until the parent or legal custodian assumes care of  
254 the child.

255 Section 5. Section 39.524, Florida Statutes, is created to  
256 read:

257 39.524 Safe-harbor placement.—

258 (1) Except as provided in s. 39.407 or s. 985.801, a  
259 dependent child 6 years of age or older who has been found to be  
260 a victim of sexual exploitation as defined in s. 39.01(67)(g)  
261 must be assessed for placement in a safe house as provided in s.  
262 409.1678. The assessment shall be conducted by the department or  
263 its agent and shall incorporate and address current and  
264 historical information from any law enforcement reports;  
265 psychological testing or evaluation that has occurred; current  
266 and historical information from the guardian ad litem, if one  
267 has been assigned; current and historical information from any  
268 current therapist, teacher, or other professional who has  
269 knowledge of the child and has worked with the child; and any  
270 other information concerning the availability and suitability of  
271 safe-house placement. If such placement is determined to be  
272 appropriate as a result of this assessment, the child may be  
273 placed in a safe house, if one is available. As used in this



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274 section, the term "available" as it relates to a placement means  
275 a placement that is located within the circuit or otherwise  
276 reasonably accessible.

277 (2) The results of the assessment described in subsection  
278 (1) and the actions taken as a result of the assessment must be  
279 included in the next judicial review of the child. At each  
280 subsequent judicial review, the court must be advised in writing  
281 of the status of the child's placement, with special reference  
282 regarding the stability of the placement and the permanency  
283 planning for the child.

284 (3) (a) By December 1 of each year, the department shall  
285 report to the Legislature on the placement of children in safe  
286 houses during the year, including the criteria used to determine  
287 the placement of children, the number of children who were  
288 evaluated for placement, the number of children who were placed  
289 based upon the evaluation, and the number of children who were  
290 not placed.

291 (b) The department shall maintain data specifying the  
292 number of children who were referred to a safe house for whom  
293 placement was unavailable and the counties in which such  
294 placement was unavailable. The department shall include this  
295 data in its report under this subsection so that the Legislature  
296 may consider this information in developing the General  
297 Appropriations Act.

298 Section 6. Section 409.1678, Florida Statutes, is created  
299 to read:

300 409.1678 Safe harbor for children who are victims of sexual  
301 exploitation.-

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



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303       (a) "Child advocate" means an employee of a short-term safe  
304 house who has been trained to work with and advocate for the  
305 needs of sexually exploited children. The advocate shall  
306 accompany the child to all court appearances, meetings with law  
307 enforcement officials, and the state attorney's office and shall  
308 serve as a liaison between the short-term safe house and the  
309 court.

310       (b) "Safe house" means a living environment that has set  
311 aside gender-specific, separate, and distinct living quarters  
312 for sexually exploited children who have been adjudicated  
313 dependent or delinquent and need to reside in a secure  
314 residential facility with staff members who are awake 24 hours a  
315 day. A safe house shall be operated by a licensed family foster  
316 home or residential child-caring agency as defined in s.  
317 409.175, including a runaway youth center as defined in s.  
318 409.441. Each facility must be appropriately licensed in this  
319 state as a residential child-caring agency as defined in s.  
320 409.175 and must have applied for accreditation within 1 year  
321 after being licensed. A safe house serving children who have  
322 been sexually exploited must have available staff or contract  
323 personnel who have the clinical expertise, credentials, and  
324 training to provide services identified in paragraph (2)(b).

325       (c) "Secure" means that a facility providing services is  
326 supervised 24 hours a day by staff members who are awake while  
327 on duty.

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



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332       (e) "Short-term safe house" means a shelter operated by a  
333 licensed residential child-caring agency as defined in s.  
334 409.175, including a runaway youth center as defined in s.  
335 409.441, that has set aside gender-specific, separate, and  
336 distinct living quarters for sexually exploited children. In  
337 addition to shelter, the house shall provide services and care  
338 to sexually exploited children, including food, clothing,  
339 medical care, counseling, and appropriate crisis-intervention  
340 services at the time they are taken into custody by law  
341 enforcement officials or department personnel.

342       (2) (a) Notwithstanding any other law, pursuant to rules of  
343 the department, each circuit of the department shall address the  
344 child welfare service needs of sexually exploited children as a  
345 component of the circuit's master plan. This determination shall  
346 be made in consultation with local law enforcement officials,  
347 runaway and homeless youth program providers, local probation  
348 departments, local community-based care and social services,  
349 local guardians ad litem, public defenders, state attorney's  
350 offices, and child advocates and services providers who work  
351 directly with sexually exploited youth.

352       (b) The lead agency, not-for-profit agency, or local  
353 governmental entity providing safe-house services is responsible  
354 for security, crisis-intervention services, general counseling  
355 and victim-witness counseling, a comprehensive assessment,  
356 residential care, transportation, access to behavioral health  
357 services, recreational activities, food, clothing, supplies,  
358 infant care, and miscellaneous expenses associated with caring  
359 for these children; for necessary arrangement for or provision  
360 of educational services, including life skills services and



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361 planning services for the successful transition of residents  
362 back to the community; and for ensuring necessary and  
363 appropriate health care and dental care.

364 (c) This section does not prohibit any provider of these  
365 services from appropriately billing Medicaid for services  
366 rendered, from contracting with a local school district for  
367 educational services, or from obtaining federal or local funding  
368 for services provided, as long as two or more funding sources do  
369 not pay for the same specific service that has been provided to  
370 a child.

371 (d) The lead agency, not-for-profit agency, or local  
372 governmental entity providing safe-house services has the legal  
373 authority for children served in a safe-house program, as  
374 provided in chapter 39 or this chapter, as appropriate, to  
375 enroll the child in school, to sign for a driver license for the  
376 child, to cosign loans and insurance for the child, to sign for  
377 medical treatment of the child, and to authorize other such  
378 activities.

379 (e) All of the services specified in this section may, to  
380 the extent possible provided by law and with funding authorized,  
381 be available to all sexually exploited children whether they are  
382 accessed voluntarily, as a condition of probation, through a  
383 diversion program, through a proceeding under chapter 39, or  
384 through a referral from a local community-based care or social  
385 service agency.

386 (3) The local circuit administrator may, to the extent that  
387 funds are available, in conjunction with local law enforcement  
388 officials, contract with an appropriate not-for-profit agency  
389 having experience working with sexually exploited children to



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390 train law enforcement officials who are likely to encounter  
391 sexually exploited children in the course of their law  
392 enforcement duties on the provisions of this section and how to  
393 identify and obtain appropriate services for sexually exploited  
394 children. Circuits may work cooperatively to provide such  
395 training, and such training may be provided on a regional basis.  
396 The department shall assist circuits in obtaining any available  
397 funds for the purposes of conducting law enforcement training  
398 from the Office of Juvenile Justice and Delinquency Prevention  
399 of the United States Department of Justice.

400 (4) The department may adopt rules necessary to administer  
401 this section.

402 Section 7. Section 796.07, Florida Statutes, is amended to  
403 read:

404 796.07 Prohibiting prostitution and related acts, etc.;  
405 ~~evidence; penalties; definitions.-~~

406 (1) As used in this section:

407 (a) "Prostitution" means the giving or receiving of the  
408 body for sexual activity for hire but excludes sexual activity  
409 between spouses.

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

411 (c) "Assignment" means the making of any appointment or  
412 engagement for prostitution or lewdness, or any act in  
413 furtherance of such appointment or engagement.

414 (d) "Sexual activity" means oral, anal, or vaginal  
415 penetration by, or union with, the sexual organ of another; anal  
416 or vaginal penetration of another by any other object; or the  
417 handling or fondling of the sexual organ of another for the  
418 purpose of masturbation; however, the term does not include acts



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419 done for bona fide medical purposes.

420 (2) It is unlawful:

421 (a) To own, establish, maintain, or operate any place,  
422 structure, building, or conveyance for the purpose of lewdness,  
423 assignation, or prostitution.

424 (b) To offer, or to offer or agree to secure, another for  
425 the purpose of prostitution or for any other lewd or indecent  
426 act.

427 (c) To receive, or to offer or agree to receive, any person  
428 into any place, structure, building, or conveyance for the  
429 purpose of prostitution, lewdness, or assignation, or to permit  
430 any person to remain there for such purpose.

431 (d) To direct, take, or transport, or to offer or agree to  
432 direct, take, or transport, any person to any place, structure,  
433 or building, or to any other person, with knowledge or  
434 reasonable cause to believe that the purpose of such directing,  
435 taking, or transporting is prostitution, lewdness, or  
436 assignation.

437 (e) To offer to commit, or to commit, or to engage in,  
438 prostitution, lewdness, or assignation.

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

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

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

446 (i) To purchase the services of any person engaged in  
447 prostitution.





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448 (3) (a) In the trial of a person charged with a violation of  
449 this section, testimony concerning the reputation of any place,  
450 structure, building, or conveyance involved in the charge,  
451 testimony concerning the reputation of any person residing in,  
452 operating, or frequenting such place, structure, building, or  
453 conveyance, and testimony concerning the reputation of the  
454 defendant is admissible in evidence in support of the charge.

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

458 (4) A person who violates any provision of this section  
459 commits:

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

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

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

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

471 (6) A person who violates paragraph (2) (f) shall be  
472 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results  
473 in any judicial disposition other than acquittal or dismissal.  
474 Of the proceeds from each penalty ~~penalties~~ assessed under this  
475 subsection, the first \$500 shall be paid to the circuit court  
476 administrator for the sole purpose of paying the administrative



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477 costs of treatment-based drug court programs provided under s.  
478 397.334. The remainder of the penalty assessed shall be  
479 deposited in the Operations and Maintenance Trust Fund of the  
480 Department of Children and Family Services for the sole purpose  
481 of funding safe houses and short-term safe houses as provided in  
482 s. 409.1678.

483 Section 8. Section 960.065, Florida Statutes, is amended to  
484 read:

485 960.065 Eligibility for awards.—

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

488 (a) A victim.

489 (b) An intervenor.

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

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

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

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

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

499 (c) Was in custody or confined, regardless of conviction,  
500 in a county or municipal detention facility, a state or federal  
501 correctional facility, or a juvenile detention or commitment  
502 facility at the time of the crime upon which the claim for  
503 compensation is based;

504 (d) Has been adjudicated as a habitual felony offender,  
505 habitual violent offender, or violent career criminal under s.



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506 775.084; or

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

509  
510 is ineligible ~~shall not be eligible~~ for an award.

511 (3) Any claim filed by or on behalf of a person who was in  
512 custody or confined, regardless of adjudication, in a county or  
513 municipal facility, a state or federal correctional facility, or  
514 a juvenile detention, commitment, or assessment facility at the  
515 time of the crime upon which the claim is based, who has been  
516 adjudicated as a habitual felony offender under s. 775.084, or  
517 who has been adjudicated guilty of a forcible felony offense as  
518 described in s. 776.08 renders the person ineligible, ~~shall not~~  
519 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a  
520 finding by the Crime Victims' Services Office of the existence  
521 of mitigating or special circumstances that would render such a  
522 disqualification unjust, an award may be approved. A decision  
523 that mitigating or special circumstances do not exist in a case  
524 subject to this section does ~~shall~~ not constitute final agency  
525 action subject to review pursuant to ss. 120.569 and 120.57.

526 (4) Payment may not be made under this chapter if the  
527 person who committed the crime upon which the claim is based  
528 will receive any direct or indirect financial benefit from such  
529 payment, unless such benefit is minimal or inconsequential.  
530 Payment may not be denied based on the victim's familial  
531 relationship to the offender or based upon the sharing of a  
532 residence by the victim and offender, except to prevent unjust  
533 enrichment of the offender.

534 (5) A person is not ineligible for an award pursuant to



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535 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
536 person is a victim of sexual exploitation of a child as defined  
537 in s. 39.01(67) (g).

538 Section 9. Paragraph (b) of subsection (2) of section  
539 985.115, Florida Statutes, is amended to read:

540 985.115 Release or delivery from custody.—

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

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

548 Section 10. This act shall take effect January 1, 2013.

549  
550 ===== T I T L E A M E N D M E N T =====

551 And the title is amended as follows:

552  
553 Delete everything before the enacting clause  
554 and insert:

555  
556 A bill to be entitled  
557 An act relating to sexual exploitation; providing a  
558 short title; amending s. 39.001, F.S.; providing  
559 legislative intent and goals; conforming cross-  
560 references; amending s. 39.01, F.S.; revising the  
561 definitions of the terms "abuse," "child who is found  
562 to be dependent," and "sexual abuse of a child";  
563 amending s. 39.401, F.S.; authorizing delivery of



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564 children alleged to be dependent and sexually  
565 exploited to short-term safe houses; creating s.  
566 39.524, F.S.; requiring assessment of certain children  
567 for placement in a safe house; providing for use of  
568 such assessments; requiring an annual report  
569 concerning safe-house placements; creating s.  
570 409.1678, F.S.; providing definitions; requiring  
571 circuits of the Department of Children and Family  
572 Services to address child welfare service needs of  
573 sexually exploited children as a component of their  
574 master plans; providing duties, responsibilities, and  
575 requirements for safe houses and their operators;  
576 providing for training for law enforcement officials  
577 who are likely to encounter sexually exploited  
578 children; authorizing rulemaking; amending s. 796.07,  
579 F.S.; providing for an increased civil penalty for  
580 soliciting another to commit prostitution or related  
581 acts; providing for the disposition of proceeds;  
582 amending s. 960.065, F.S.; allowing victim  
583 compensation for sexually exploited children; amending  
584 s. 985.115, F.S.; conforming provisions; providing an  
585 effective date.