

By the Committees on Budget Subcommittee on Criminal and Civil Justice Appropriations; and Children, Families, and Elder Affairs; and Senator Flores

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

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30 requirements for safe houses and their operators;
31 providing for training for law enforcement officials
32 who are likely to encounter sexually exploited
33 children; amending s. 796.07, F.S.; providing for an
34 increased civil penalty for soliciting another to
35 commit prostitution or related acts; providing for
36 disposition of proceeds; amending s. 960.065, F.S.;
37 allowing victim compensation for sexually exploited
38 children; amending s. 985.115, F.S.; conforming a
39 provision to changes made by the act; providing an
40 effective 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

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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.

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

70 1. To ensure the safety of children.

71 2. To provide for the treatment of such children as
72 dependent children rather than as delinquents.

73 3. To sever the bond between exploited children and
74 traffickers and to reunite these children with their families or
75 provide them with appropriate guardians.

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

78 (c) The Legislature finds that sexually exploited children
79 need special care and services in the dependency process,
80 including counseling, health care, substance abuse treatment,
81 educational opportunities, and a safe environment secure from
82 traffickers.

83 (d) The Legislature further finds that sexually exploited
84 children need the special care and services described in
85 paragraph (c) independent of their citizenship, residency,
86 alien, or immigrant status. It is the intent of the Legislature
87 that this state provide such care and services to all sexually

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88 exploited children in this state who are not otherwise receiving
89 comparable services, such as those under the federal Trafficking
90 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

91 (8)~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

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

93 1. Oversee the preparation and implementation of the state
94 plan established under subsection (9) ~~(8)~~ and revise and update
95 the state plan as necessary.

96 2. Provide for or make available continuing professional
97 education and training in the prevention of child abuse and
98 neglect.

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

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

107 a. Programs and services for the promotion of adoption,
108 support of adoptive families, and prevention of child abuse and
109 neglect.

110 b. Training programs for the prevention of child abuse and
111 neglect.

112 c. Multidisciplinary and discipline-specific training
113 programs for professionals with responsibilities affecting
114 children, young adults, and families.

115 d. Efforts to promote adoption.

116 e. Postadoptive services to support adoptive families.

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

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

128 b. A summary of the adoption data collected and reported to
129 the federal Adoption and Foster Care Analysis and Reporting
130 System (AFCARS) and the federal Administration for Children and
131 Families.

132 c. A summary of the child abuse prevention data collected
133 and reported to the National Child Abuse and Neglect Data System
134 (NCANDS) and the federal Administration for Children and
135 Families.

136 d. A summary detailing the timeliness of the adoption
137 process for children adopted from within the child welfare
138 system.

139 e. Recommendations, by state agency, for the further
140 development and improvement of services and programs for the
141 promotion of adoption, support of adoptive families, and
142 prevention of child abuse and neglect.

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

145 6. Work with the direct-support organization established

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146 under s. 39.0011 to receive financial assistance.

147 (10)~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

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

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

170 39.01 Definitions.—When used in this chapter, unless the
171 context otherwise requires:

172 (2) "Abuse" means any willful act or threatened act that
173 results in any physical, mental, or sexual abuse, injury, or
174 harm that causes or is likely to cause the child's physical,

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175 mental, or emotional health to be significantly impaired. Abuse
176 of a child includes acts or omissions. Corporal discipline of a
177 child by a parent or legal custodian for disciplinary purposes
178 does not in itself constitute abuse when it does not result in
179 harm to the child.

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

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

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

187 (c) To have been voluntarily placed with a licensed child-
188 caring agency, a licensed child-placing agency, an adult
189 relative, the department, or the former Department of Health and
190 Rehabilitative Services, after which placement, under the
191 requirements of this chapter, a case plan has expired and the
192 parent or parents or legal custodians have failed to
193 substantially comply with the requirements of the plan;

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

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

200 (f) To be at substantial risk of imminent abuse,
201 abandonment, or neglect by the parent or parents or legal
202 custodians; or

203 (g) To have been sexually exploited and to have no parent,

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204 legal custodian, or responsible adult relative currently known
205 and capable of providing the necessary and appropriate
206 supervision and care.

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

209 (g) The sexual exploitation of a child, which includes
210 allowing, encouraging, or forcing a child to:

- 211 1. Solicit for or engage in prostitution; ~~or~~
- 212 2. Engage in a sexual performance, as defined by chapter
213 827; or
- 214 3. Participate in the trade of sex trafficking as provided
215 in s. 796.035.

216 Section 4. Paragraph (b) of subsection (2) and paragraph
217 (b) of subsection (3) of section 39.401, Florida Statutes, are
218 amended to read:

219 39.401 Taking a child alleged to be dependent into custody;
220 law enforcement officers and authorized agents of the
221 department.—

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

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

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234 For cases involving allegations of abandonment, abuse, or
235 neglect, or other dependency cases, within 3 days after such
236 release or within 3 days after delivering the child to an
237 authorized agent of the department, the law enforcement officer
238 who took the child into custody shall make a full written report
239 to the department.

240 (3) If the child is taken into custody by, or is delivered
241 to, an authorized agent of the department, the agent shall
242 review the facts supporting the removal with an attorney
243 representing the department. The purpose of the review is to
244 determine whether there is probable cause for the filing of a
245 shelter petition.

246 (b) If the facts are sufficient and the child has not been
247 returned to the custody of the parent or legal custodian, the
248 department shall file the petition and schedule a hearing, and
249 the attorney representing the department shall request that a
250 shelter hearing be held within 24 hours after the removal of the
251 child. While awaiting the shelter hearing, the authorized agent
252 of the department may place the child in licensed shelter care,
253 or in a short-term safe house if the child is a sexually
254 exploited child, or may release the child to a parent or legal
255 custodian or responsible adult relative or the adoptive parent
256 of the child's sibling who shall be given priority consideration
257 over a licensed placement, or a responsible adult approved by
258 the department if this is in the best interests of the child.
259 Placement of a child which is not in a licensed shelter must be
260 preceded by a criminal history records check as required under
261 s. 39.0138. In addition, the department may authorize placement

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262 of a housekeeper/homemaker in the home of a child alleged to be
263 dependent until the parent or legal custodian assumes care of
264 the child.

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

268 39.402 Placement in a shelter.—

269 (2) A child taken into custody may be placed or continued
270 in a shelter only if one or more of the criteria in subsection
271 (1) apply ~~applies~~ and the court has made a specific finding of
272 fact regarding the necessity for removal of the child from the
273 home and has made a determination that the provision of
274 appropriate and available services will not eliminate the need
275 for placement. In the case of a child who is alleged to have
276 been sexually exploited, there is a rebuttable presumption that
277 placement in a short-term safe house is necessary.

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

286 (d) At the shelter hearing, in order to continue the child
287 in shelter care:

288 1. The department must establish probable cause that
289 reasonable grounds for removal exist and that the provision of
290 appropriate and available services will not eliminate the need

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291 for placement;

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

296 ~~3.2.~~ The court must determine that additional time is
297 necessary, which may not exceed 72 hours, in which to obtain and
298 review documents pertaining to the family in order to
299 appropriately determine the risk to the child during which time
300 the child shall remain in the department's custody, if so
301 ordered by the court.

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

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

307 2. That placement in shelter care is in the best interest
308 of the child.

309 3. That continuation of the child in the home is contrary
310 to the welfare of the child because the home situation presents
311 a substantial and immediate danger to the child's physical,
312 mental, or emotional health or safety which cannot be mitigated
313 by the provision of preventive services.

314 4. That based upon the allegations of the petition for
315 placement in shelter care, there is probable cause to believe
316 that the child is dependent or that the court needs additional
317 time, which may not exceed 72 hours, in which to obtain and
318 review documents pertaining to the family in order to
319 appropriately determine the risk to the child.

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320 5. That the department has made reasonable efforts to
321 prevent or eliminate the need for removal of the child from the
322 home. A finding of reasonable effort by the department to
323 prevent or eliminate the need for removal may be made and the
324 department is deemed to have made reasonable efforts to prevent
325 or eliminate the need for removal if:

326 a. The first contact of the department with the family
327 occurs during an emergency;

328 b. The appraisal of the home situation by the department
329 indicates that the home situation presents a substantial and
330 immediate danger to the child's physical, mental, or emotional
331 health or safety which cannot be mitigated by the provision of
332 preventive services;

333 c. The child cannot safely remain at home, either because
334 there are no preventive services that can ensure the health and
335 safety of the child or because, even with appropriate and
336 available services being provided, the health and safety of the
337 child cannot be ensured;

338 d. The child has been sexually exploited; or

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

342 6. That the court notified the parents, relatives that are
343 providing out-of-home care for the child, or legal custodians of
344 the time, date, and location of the next dependency hearing and
345 of the importance of the active participation of the parents,
346 relatives that are providing out-of-home care for the child, or
347 legal custodians in all proceedings and hearings.

348 7. That the court notified the parents or legal custodians

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349 of their right to counsel to represent them at the shelter
350 hearing and at each subsequent hearing or proceeding, and the
351 right of the parents to appointed counsel, pursuant to the
352 procedures set forth in s. 39.013.

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

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

361 39.521 Disposition hearings; powers of disposition.—

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

370 (f) If the court places the child in an out-of-home
371 placement, the disposition order must include a written
372 determination that the child cannot safely remain at home with
373 reunification or family preservation services and that removal
374 of the child is necessary to protect the child. If the child is
375 removed before the disposition hearing, the order must also
376 include a written determination as to whether, after removal,
377 the department made a reasonable effort to reunify the parent

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378 and child. Reasonable efforts to reunify are not required if the
379 court finds that any of the acts listed in s. 39.806(1)(f)-(l)
380 have occurred. The department has the burden of demonstrating
381 that it made reasonable efforts.

382 1. For the purposes of this paragraph, the term "reasonable
383 effort" means the exercise of reasonable diligence and care by
384 the department to provide the services ordered by the court or
385 delineated in the case plan.

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

388 a. Enter written findings as to whether prevention or
389 reunification efforts were indicated.

390 b. If prevention or reunification efforts were indicated,
391 include a brief written description of what appropriate and
392 available prevention and reunification efforts were made.

393 c. Indicate in writing why further efforts could or could
394 not have prevented or shortened the separation of the parent and
395 child.

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

398 a. The first contact of the department with the family
399 occurs during an emergency;

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

404 c. The child cannot safely remain at home, because there
405 are no preventive services that can ensure the health and safety
406 of the child or, even with appropriate and available services

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407 being provided, the health and safety of the child cannot be
408 ensured. There is a rebuttable presumption that any child who
409 has been found to be a victim of sexual exploitation as defined
410 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or

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

414 4. A reasonable effort by the department for reunification
415 has been made if the appraisal of the home situation by the
416 department indicates that the severity of the conditions of
417 dependency is such that reunification efforts are inappropriate.
418 The department has the burden of demonstrating to the court that
419 reunification efforts were inappropriate.

420 5. If the court finds that the prevention or reunification
421 effort of the department would not have permitted the child to
422 remain safely at home, the court may commit the child to the
423 temporary legal custody of the department or take any other
424 action authorized by this chapter.

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

428 (d) If the child cannot be safely placed in a nonlicensed
429 placement, the court shall commit the child to the temporary
430 legal custody of the department. Such commitment invests in the
431 department all rights and responsibilities of a legal custodian.
432 The department shall not return any child to the physical care
433 and custody of the person from whom the child was removed,
434 except for court-approved visitation periods, without the
435 approval of the court. Any order for visitation or other contact

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436 must conform to the provisions of s. 39.0139. There is a
437 rebuttable presumption that any child who has been found to be a
438 victim of sexual exploitation as defined in s. 39.01(67)(g) be
439 committed to a safe house as provided for in s. 409.1678. The
440 term of such commitment continues until terminated by the court
441 or until the child reaches the age of 18. After the child is
442 committed to the temporary legal custody of the department, all
443 further proceedings under this section are governed by this
444 chapter.

445

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

462 Section 7. Section 39.524, Florida Statutes, is created to
463 read:

464 39.524 Safe-harbor placement.-

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465 (1) Except as provided in s. 39.407, any dependent child 6
466 years of age or older who has been found to be a victim of
467 sexual exploitation as defined in s. 39.01(67)(g) must be
468 assessed for placement in a safe house as provided in s.
469 409.1678. The assessment shall be conducted by the department or
470 its agent and shall incorporate and address current and
471 historical information from any law enforcement reports;
472 psychological testing or evaluation that has occurred; current
473 and historical information from the guardian ad litem, if one
474 has been assigned; current and historical information from any
475 current therapist, teacher, or other professional who has
476 knowledge of the child and has worked with the child; and any
477 other information concerning the availability and suitability of
478 safe-house placement. If such placement is determined to be
479 appropriate as a result of this procedure, the child must be
480 placed in a safe house, if one is available. As used in this
481 section, the term "available" as it relates to a placement means
482 a placement that is located within the circuit or that is
483 otherwise reasonably accessible.

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

491 (3) Any safe house that receives children under this
492 section shall establish special permanency teams dedicated to
493 overcoming the special permanency challenges presented by this

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494 population of children. Each facility shall report to the
495 department its success in achieving permanency for children
496 placed by the department in its care at intervals that allow the
497 current information to be provided to the court at each judicial
498 review for the child.

499 (4) (a) By December 1 of each year, the department shall
500 report to the Legislature on the placement of children in safe
501 houses during the year, including the criteria used to determine
502 the placement of children, the number of children who were
503 evaluated for placement, the number of children who were placed
504 based upon the evaluation, and the number of children who were
505 not placed.

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

513 Section 8. Section 409.1678, Florida Statutes, is created
514 to read:

515 409.1678 Safe harbor for children who are victims of sexual
516 exploitation.—

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

518 (a) "Child advocate" means an employee of a short-term safe
519 house who has been trained to work with and advocate for the
520 needs of sexually exploited children. The advocate shall
521 accompany the child to all court appearances, meetings with law
522 enforcement, and the state attorney's office and shall serve as

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523 a liaison between the short-term safe house and the court.

524 (b) "Safe house" means a living environment that has set
525 aside gender-specific, separate, and distinct living quarters
526 for sexually exploited children who have been adjudicated
527 dependent or delinquent and need to reside in a secure
528 residential facility with staff members awake 24 hours a day. A
529 safe house shall be operated by a licensed family foster home or
530 residential child-caring agency as defined in s. 409.175,
531 including a runaway youth center as defined in s. 409.441. Each
532 facility must be appropriately licensed in this state as a
533 residential child-caring agency as defined in s. 409.175 and
534 must be accredited by July 1, 2013. A safe house serving
535 children who have been sexually exploited must have available
536 staff or contract personnel with the clinical expertise,
537 credentials, and training to provide services identified in
538 paragraph (2) (b).

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

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

545 (e) "Short-term safe house" means a shelter operated by a
546 licensed residential child-caring agency as defined in s.
547 409.175, including a runaway youth center as defined in s.
548 409.441, that has set aside gender-specific, separate, and
549 distinct living quarters for sexually exploited children. In
550 addition to shelter, the house shall provide services and care
551 to sexually exploited children, including food, clothing,

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552 medical care, counseling, and appropriate crisis intervention
553 services at the time they are taken into custody by law
554 enforcement or the department.

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

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

578 (c) This section does not prohibit any provider of these
579 services from appropriately billing Medicaid for services
580 rendered, from contracting with a local school district for

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581 educational services, or from obtaining federal or local funding
582 for services provided, as long as two or more funding sources do
583 not pay for the same specific service that has been provided to
584 a child.

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

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

600 (3) The local circuit administrator may, to the extent that
601 funds are available, in conjunction with local law enforcement
602 officials, contract with an appropriate not-for-profit agency
603 having experience working with sexually exploited children to
604 train law enforcement officials who are likely to encounter
605 sexually exploited children in the course of their law
606 enforcement duties on the provisions of this section and how to
607 identify and obtain appropriate services for sexually exploited
608 children. Circuits may work cooperatively to provide such
609 training, and such training may be provided on a regional basis.

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610 The department shall assist circuits in obtaining any available
611 funds for the purposes of conducting law enforcement training
612 from the Office of Juvenile Justice and Delinquency Prevention
613 of the United States Department of Justice.

614 Section 9. Section 796.07, Florida Statutes, is amended to
615 read:

616 796.07 Prohibiting prostitution and related acts, ~~etc.;~~
617 ~~evidence; penalties; definitions.~~-

618 (1) As used in this section:

619 (a) "Prostitution" means the giving or receiving of the
620 body for sexual activity for hire but excludes sexual activity
621 between spouses.

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

623 (c) "Assignment" means the making of any appointment or
624 engagement for prostitution or lewdness, or any act in
625 furtherance of such appointment or engagement.

626 (d) "Sexual activity" means oral, anal, or vaginal
627 penetration by, or union with, the sexual organ of another; anal
628 or vaginal penetration of another by any other object; or the
629 handling or fondling of the sexual organ of another for the
630 purpose of masturbation; however, the term does not include acts
631 done for bona fide medical purposes.

632 (2) It is unlawful:

633 (a) To own, establish, maintain, or operate any place,
634 structure, building, or conveyance for the purpose of lewdness,
635 assignment, or prostitution.

636 (b) To offer, or to offer or agree to secure, another for
637 the purpose of prostitution or for any other lewd or indecent
638 act.

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639 (c) To receive, or to offer or agree to receive, any person
640 into any place, structure, building, or conveyance for the
641 purpose of prostitution, lewdness, or assignation, or to permit
642 any person to remain there for such purpose.

643 (d) To direct, take, or transport, or to offer or agree to
644 direct, take, or transport, any person to any place, structure,
645 or building, or to any other person, with knowledge or
646 reasonable cause to believe that the purpose of such directing,
647 taking, or transporting is prostitution, lewdness, or
648 assignation.

649 (e) To offer to commit, or to commit, or to engage in,
650 prostitution, lewdness, or assignation.

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

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

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

658 (i) To purchase the services of any person engaged in
659 prostitution.

660 (3) (a) In the trial of a person charged with a violation of
661 this section, testimony concerning the reputation of any place,
662 structure, building, or conveyance involved in the charge,
663 testimony concerning the reputation of any person residing in,
664 operating, or frequenting such place, structure, building, or
665 conveyance, and testimony concerning the reputation of the
666 defendant is admissible in evidence in support of the charge.

667 (b) Notwithstanding any other provision of law, a police

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668 officer may testify as an offended party in an action regarding
669 charges filed pursuant to this section.

670 (4) A person who violates any provision of this section
671 commits:

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

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

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

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

683 (6) A person who violates paragraph (2)(f) shall be
684 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
685 in any judicial disposition other than acquittal or dismissal.
686 Of the proceeds from each penalty penalties assessed under this
687 subsection, \$500 shall be paid to the circuit court
688 administrator for the sole purpose of paying the administrative
689 costs of treatment-based drug court programs provided under s.
690 397.334 and \$4,500 shall be paid to the Department of Children
691 and Family Services for the sole purpose of funding safe houses
692 and short-term safe houses as provided in s. 409.1678.

693 Section 10. Section 960.065, Florida Statutes, is amended
694 to read:

695 960.065 Eligibility for awards.—

696 (1) Except as provided in subsection (2), the following

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697 persons shall be eligible for awards pursuant to this chapter:

698 (a) A victim.

699 (b) An intervenor.

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

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

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

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

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

709 (c) Was in custody or confined, regardless of conviction,
710 in a county or municipal detention facility, a state or federal
711 correctional facility, or a juvenile detention or commitment
712 facility at the time of the crime upon which the claim for
713 compensation is based;

714 (d) Has been adjudicated as a habitual felony offender,
715 habitual violent offender, or violent career criminal under s.
716 775.084; or

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

719
720 is ineligible ~~shall not be eligible~~ for an award.

721 (3) Any claim filed by or on behalf of a person who was in
722 custody or confined, regardless of adjudication, in a county or
723 municipal facility, a state or federal correctional facility, or
724 a juvenile detention, commitment, or assessment facility at the
725 time of the crime upon which the claim is based, who has been

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726 adjudicated as a habitual felony offender under s. 775.084, or
727 who has been adjudicated guilty of a forcible felony offense as
728 described in s. 776.08, renders the person ineligible ~~shall not~~
729 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
730 finding by the Crime Victims' Services Office of the existence
731 of mitigating or special circumstances that would render such a
732 disqualification unjust, an award may be approved. A decision
733 that mitigating or special circumstances do not exist in a case
734 subject to this section does ~~shall~~ not constitute final agency
735 action subject to review pursuant to ss. 120.569 and 120.57.

736 (4) Payment may not be made under this chapter if the
737 person who committed the crime upon which the claim is based
738 will receive any direct or indirect financial benefit from such
739 payment, unless such benefit is minimal or inconsequential.
740 Payment may not be denied based on the victim's familial
741 relationship to the offender or based upon the sharing of a
742 residence by the victim and offender, except to prevent unjust
743 enrichment of the offender.

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

748 Section 11. Paragraph (b) of subsection (2) of section
749 985.115, Florida Statutes, is amended to read:

750 985.115 Release or delivery from custody.—

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

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

758 Section 12. This act shall take effect January 1, 2013.