

By the Committees on Appropriations; and Criminal Justice; and Senators Garcia, Benacquisto, Flores, Campbell, Braynon, and Latvala

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1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 39.524, F.S.; requiring the Department of Children and
4 Families or a sheriff's office to conduct a
5 multidisciplinary staffing on child victims of
6 commercial sexual exploitation to determine the
7 child's service and placement needs; revising the date
8 by which the department or sheriff's office must
9 submit a report to the Legislature on child commercial
10 sexual exploitation and safe-harbor placements;
11 revising the contents of the report, including
12 recommendations by the Office of Program Policy
13 Analysis and Government Accountability study on
14 commercial sexual exploitation of children; requiring
15 the department to maintain certain data on the child
16 victims; amending s. 92.565, F.S.; adding commercial
17 sexual activity as a crime in which the defendant's
18 admission is admissible during trial; amending s.
19 409.016, F.S.; defining the term "commercial sexual
20 exploitation"; amending s. 409.1678, F.S.; deleting
21 the term "sexually exploited child"; removing an
22 obsolete date; conforming provisions to changes made
23 by the act; amending s. 409.1754, F.S.; requiring the
24 department or sheriff's office to conduct
25 multidisciplinary staffings for child victims;
26 requiring a service plan for all victims of child
27 commercial sexual exploitation; requiring the
28 department or sheriff's office to follow up on all
29 victims of child commercial sexual exploitation within

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30 a specified timeframe; amending s. 464.013, F.S.;

31 revising the continuing medical education course

32 requirements for certain relicensures or

33 recertifications to include a course in human

34 trafficking; providing requirements and procedures for

35 the course; amending s. 907.041, F.S.; adding human

36 trafficking to the list of crimes requiring pretrial

37 detention of the defendant; reenacting s.

38 790.065(2)(c), F.S., relating to the sale and delivery

39 of firearms to incorporate the amendment made to s.

40 907.041, F.S., in a reference thereto; providing an

41 effective date.

42

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

44

45 Section 1. Section 39.524, Florida Statutes, is amended to

46 read:

47 39.524 Safe-harbor placement.—

48 (1) Except as provided in s. 39.407 or s. 985.801, a

49 dependent child 6 years of age or older who is suspected of

50 being or has been found to be a victim of commercial sexual

51 exploitation as defined in s. 409.016 s. ~~39.01(70)(g)~~ must be

52 assessed, and the department or a sheriff's office acting under

53 s. 39.3065 must conduct a multidisciplinary staffing pursuant to

54 s. 409.1754(2), to determine the child's need for services and

55 his or her need for placement in a safe house or safe foster

56 home as provided in s. 409.1678 using the initial screening and

57 assessment instruments provided in s. 409.1754(1). If such

58 placement is determined to be appropriate for the child as a

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59 result of this assessment, the child may be placed in a safe
60 house or safe foster home, if one is available. However, the
61 child may be placed in another setting, if the other setting is
62 more appropriate to the child's needs or if a safe house or safe
63 foster home is unavailable, as long as the child's behaviors are
64 managed so as not to endanger other children served in that
65 setting.

66 (2) The results of the assessment described in s.
67 409.1754(1), the multidisciplinary staffing described in s.
68 409.1754(2), and the actions taken as a result of the assessment
69 must be included in the disposition hearing or next judicial
70 review of the child. At each subsequent judicial review, the
71 court must be advised in writing of the status of the child's
72 placement, with special reference regarding the stability of the
73 placement, any specialized services, and the permanency planning
74 for the child.

75 (3) (a) By October ~~December~~ 1 of each year, the department,
76 with information from community-based care agencies and certain
77 sheriff's offices acting under s. 39.3065, shall report to the
78 Legislature on the prevalence of child commercial sexual
79 exploitation; the specialized services provided and placement of
80 such children; the local service capacity assessed pursuant to
81 s. 409.1754; the placement of children in safe houses and safe
82 foster homes during the year, including the criteria used to
83 determine the placement of children; ~~the~~ the number of children who
84 were evaluated for placement; ~~the~~ the number of children who were
85 placed based upon the evaluation; ~~and~~ and the number of children
86 who were not placed; and the department's response to the
87 findings and recommendations made by the Office of Program

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88 Policy Analysis and Government Accountability in its annual
89 study on commercial sexual exploitation of children, as required
90 by s. 409.16791.

91 (b) The department shall maintain data specifying the
92 number of children who were verified as victims of commercial
93 sexual exploitation, who were referred to nonresidential
94 services in the community, who were placed in a safe house or
95 safe foster home, and who were referred to a safe house or safe
96 foster home for whom placement was unavailable, and shall
97 identify the counties in which such placement was unavailable.
98 The department shall include this data in its report under this
99 subsection so that the Legislature may consider this information
100 in developing the General Appropriations Act.

101 Section 2. Subsection (2) of section 92.565, Florida
102 Statutes, is amended to read:

103 92.565 Admissibility of confession in sexual abuse cases.—

104 (2) In any criminal action in which the defendant is
105 charged with a crime against a victim under s. 787.06(3),
106 involving commercial sexual activity; s. 794.011; s. 794.05; s.
107 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04,
108 involving sexual abuse; s. 827.071; or s. 847.0135(5), or any
109 other crime involving sexual abuse of another, or with any
110 attempt, solicitation, or conspiracy to commit any of these
111 crimes, the defendant's memorialized confession or admission is
112 admissible during trial without the state having to prove a
113 corpus delicti of the crime if the court finds in a hearing
114 conducted outside the presence of the jury that the state is
115 unable to show the existence of each element of the crime, and
116 having so found, further finds that the defendant's confession

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117 or admission is trustworthy. Factors which may be relevant in
118 determining whether the state is unable to show the existence of
119 each element of the crime include, but are not limited to, the
120 fact that, at the time the crime was committed, the victim was:

121 (a) Physically helpless, mentally incapacitated, or
122 mentally defective, as those terms are defined in s. 794.011;

123 (b) Physically incapacitated due to age, infirmity, or any
124 other cause; or

125 (c) Less than 12 years of age.

126 Section 3. Present subsections (1), (2), and (3) of section
127 409.016, Florida Statutes, are redesignated as subsections (2),
128 (3), and (4), respectively, and a new subsection (1) is added to
129 that section, to read:

130 409.016 Definitions.—As used in this chapter:

131 (1) “Commercial sexual exploitation” means the use of any
132 person under the age of 18 years for sexual purposes in exchange
133 for money, goods, or services or the promise of money, goods, or
134 services.

135 Section 4. Section 409.1678, Florida Statutes, is amended
136 to read:

137 409.1678 Specialized residential options for children who
138 are victims of commercial sexual exploitation.—

139 (1) DEFINITIONS.—As used in this section, the term:

140 (a) “Safe foster home” means a foster home certified by the
141 department under this section to care for sexually exploited
142 children.

143 (b) “Safe house” means a group residential placement
144 certified by the department under this section to care for
145 sexually exploited children.

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146 ~~(c) "Sexually exploited child" means a child who has~~
147 ~~suffered sexual exploitation as defined in s. 39.01(70)(g) and~~
148 ~~is ineligible for relief and benefits under the federal~~
149 ~~Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.~~

150 (2) CERTIFICATION OF SAFE HOUSES AND SAFE FOSTER HOMES.—

151 (a) A safe house and a safe foster home shall provide a
152 safe, separate, and therapeutic environment tailored to the
153 needs of commercially sexually exploited children who have
154 endured significant trauma and are not eligible for relief and
155 benefits under the federal Trafficking Victims Protection Act,
156 22 U.S.C. ss. 7101 et seq. Safe houses and safe foster homes
157 shall use a model of treatment that includes strength-based and
158 trauma-informed approaches.

159 (b) A safe house or a safe foster home must be certified by
160 the department. A residential facility accepting state funds
161 appropriated to provide services to ~~sexually exploited children~~
162 ~~or~~ child victims of commercial sexual exploitation ~~sex~~
163 ~~trafficking~~ must be certified by the department as a safe house
164 or a safe foster home. An entity may not use the designation
165 "safe house" or "safe foster home" and hold itself out as
166 serving child victims of commercial sexual exploitation ~~sexually~~
167 ~~exploited children~~ unless the entity is certified under this
168 section.

169 (c) To be certified, a safe house must hold a license as a
170 residential child-caring agency, as defined in s. 409.175, and a
171 safe foster home must hold a license as a family foster home, as
172 defined in s. 409.175. A safe house or safe foster home must
173 also:

174 1. Use strength-based and trauma-informed approaches to

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175 care, to the extent possible and appropriate.

176 2. Serve exclusively one sex.

177 3. Group child victims of commercial sexual exploitation
178 ~~sexually exploited children~~ by age or maturity level.

179 4. Care for child victims of commercial sexual exploitation
180 ~~sexually exploited children~~ in a manner that separates those
181 children from children with other needs. Safe houses and safe
182 foster homes may care for other populations if the children who
183 have not experienced commercial sexual exploitation do not
184 interact with children who have experienced commercial sexual
185 exploitation.

186 5. Have awake staff members on duty 24 hours a day, if a
187 safe house.

188 6. Provide appropriate security through facility design,
189 hardware, technology, staffing, and siting, including, but not
190 limited to, external video monitoring or door exit alarms, a
191 high staff-to-client ratio, or being situated in a remote
192 location that is isolated from major transportation centers and
193 common trafficking areas.

194 7. Meet other criteria established by department rule,
195 which may include, but are not limited to, personnel
196 qualifications, staffing ratios, and types of services offered.

197 (d) Safe houses and safe foster homes shall provide
198 services tailored to the needs of child victims of commercial
199 sexual exploitation ~~sexually exploited children~~ and shall
200 conduct a comprehensive assessment of the service needs of each
201 resident. In addition to the services required to be provided by
202 residential child caring agencies and family foster homes, safe
203 houses and safe foster homes must provide, arrange for, or

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204 coordinate, at a minimum, the following services:

205 1. Victim-witness counseling.

206 2. Family counseling.

207 3. Behavioral health care.

208 4. Treatment and intervention for sexual assault.

209 5. Education tailored to the child's individual needs,

210 including remedial education if necessary.

211 6. Life skills and workforce training.

212 7. Mentoring by a survivor of commercial sexual

213 exploitation, if available and appropriate for the child.

214 8. Substance abuse screening and, when necessary, access to

215 treatment.

216 9. Planning services for the successful transition of each

217 child back to the community.

218 10. Activities structured in a manner that provides child

219 victims of commercial sexual exploitation ~~sexually exploited~~

220 ~~children~~ with a full schedule.

221 (e) The community-based care lead agencies shall ensure

222 that foster parents of safe foster homes and staff of safe

223 houses complete intensive training regarding, at a minimum, the

224 needs of child victims of commercial sexual exploitation

225 ~~sexually exploited children~~, the effects of trauma and sexual

226 exploitation, and how to address those needs using strength-

227 based and trauma-informed approaches. The department shall

228 specify the contents of this training by rule and may develop or

229 contract for a standard curriculum. The department may establish

230 by rule additional criteria for the certification of safe houses

231 and safe foster homes that shall address the security,

232 therapeutic, social, health, and educational needs of child

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233 victims of commercial sexual exploitation ~~sexually exploited~~
234 ~~children.~~

235 (f) The department shall inspect safe houses and safe
236 foster homes before certification and annually thereafter to
237 ensure compliance with the requirements of this section. The
238 department may place a moratorium on referrals and may revoke
239 the certification of a safe house or safe foster home that fails
240 at any time to meet the requirements of, or rules adopted under,
241 this section.

242 (g) The certification period for safe houses and safe
243 foster homes shall run concurrently with the terms of their
244 licenses.

245 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
246 HOSPITAL. ~~No later than July 1, 2015,~~ Residential treatment
247 centers licensed under s. 394.875, and hospitals licensed under
248 chapter 395 that provide residential mental health treatment,
249 shall provide specialized treatment for commercially sexually
250 exploited children in the custody of the department who are
251 placed in these facilities pursuant to s. 39.407(6), s.
252 394.4625, or s. 394.467. The specialized treatment must meet the
253 requirements of subparagraphs (2)(c)1. and 3.-7., paragraph
254 (2)(d), and the department's treatment standards adopted
255 pursuant to this section. The facilities shall ensure that
256 children are served in single-sex groups and that staff working
257 with such children are adequately trained in the effects of
258 trauma and sexual exploitation, the needs of child victims of
259 commercial sexual exploitation ~~sexually exploited children,~~ and
260 how to address those needs using strength-based and trauma-
261 informed approaches.

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262 (4) FUNDING FOR SERVICES; CASE MANAGEMENT.—

263 (a) This section does not prohibit any provider of services
264 for child victims of commercial sexual exploitation ~~sexually~~
265 ~~exploited children~~ from appropriately billing Medicaid for
266 services rendered, from contracting with a local school district
267 for educational services, or from obtaining federal or local
268 funding for services provided, as long as two or more funding
269 sources do not pay for the same specific service that has been
270 provided to a child.

271 (b) The community-based care lead agency shall ensure that
272 all child victims of commercial sexual exploitation ~~sexually~~
273 ~~exploited children~~ residing in safe houses or safe foster homes
274 or served in residential treatment centers or hospitals pursuant
275 to subsection (3) have a case manager and a case plan, whether
276 or not the child is a dependent child.

277 (5) SCOPE OF AVAILABILITY OF SERVICES.—To the extent
278 possible provided by law and with authorized funding, the
279 services specified in this section may be available to all child
280 victims of commercial sexual exploitation who are not eligible
281 for relief and benefits under the federal Trafficking Victims
282 Protection Act, 22 U.S.C. ss. 7101 et seq., ~~sexually exploited~~
283 ~~children~~ whether such services are accessed voluntarily, as a
284 condition of probation, through a diversion program, through a
285 proceeding under chapter 39, or through a referral from a local
286 community-based care or social service agency.

287 (6) LOCATION INFORMATION.—

288 (a) Information about the location of a safe house, safe
289 foster home, or other residential facility serving child victims
290 of commercial sexual exploitation ~~victims of sexual~~

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291 ~~exploitation~~, as defined in s. 409.016 ~~s. 39.01(70)(g)~~, which is
292 held by an agency, as defined in s. 119.011, is confidential and
293 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
294 Constitution. This exemption applies to such confidential and
295 exempt information held by an agency before, on, or after the
296 effective date of the exemption.

297 (b) Information about the location of a safe house, safe
298 foster home, or other residential facility serving child victims
299 of commercial sexual exploitation ~~victims of sexual~~
300 ~~exploitation~~, as defined in s. 409.016 ~~s. 39.01(70)(g)~~, may be
301 provided to an agency, as defined in s. 119.011, as necessary to
302 maintain health and safety standards and to address emergency
303 situations in the safe house, safe foster home, or other
304 residential facility.

305 (c) The exemptions from s. 119.07(1) and s. 24(a), Art. I
306 of the State Constitution provided in this subsection do not
307 apply to facilities licensed by the Agency for Health Care
308 Administration.

309 (d) This subsection is subject to the Open Government
310 Sunset Review Act in accordance with s. 119.15 and shall stand
311 repealed on October 2, 2020, unless reviewed and saved from
312 repeal through reenactment by the Legislature.

313 Section 5. Section 409.1754, Florida Statutes, is amended
314 to read:

315 409.1754 Commercial sexual exploitation of children
316 ~~Sexually exploited children~~; screening and assessment; training;
317 multidisciplinary staffings; service plans ~~case management; task~~
318 ~~forces.~~—

319 (1) SCREENING AND ASSESSMENT.—

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320 (a) The department shall develop or adopt one or more
321 initial screening and assessment instruments to identify,
322 determine the needs of, plan services for, and determine the
323 appropriate placement for child victims of commercial sexual
324 exploitation who are not eligible for relief and benefits under
325 the federal Trafficking Victims Protection Act, 22 U.S.C. ss.
326 7101 et seq ~~sexually exploited children~~. The department shall
327 consult state and local agencies, organizations, and individuals
328 involved in the identification and care of such ~~sexually~~
329 ~~exploited~~ children when developing or adopting initial screening
330 and assessment instruments. Initial screening and assessment
331 instruments shall assess the appropriate placement of child
332 victims of commercial sexual exploitation ~~a sexually exploited~~
333 ~~child~~, including whether placement in a safe house or safe
334 foster home as provided in s. 409.1678 is appropriate, and shall
335 consider, at a minimum, the following factors:

- 336 1. Risk of the child running away.
- 337 2. Risk of the child recruiting other children into the
338 commercial sex trade.
- 339 3. Level of the child's attachment to his or her exploiter.
- 340 4. Level and type of trauma that the child has endured.
- 341 5. Nature of the child's interactions with law enforcement.
- 342 6. Length of time that the child was a victim of commercial
343 sexual exploitation ~~sexually exploited~~.
- 344 7. Extent of any substance abuse by the child.

345 (b) The initial screening and assessment instruments shall
346 be validated, if possible, and must be used by the department,
347 juvenile assessment centers as provided in s. 985.135, and
348 community-based care lead agencies.

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349 (c) The department shall adopt rules that specify the
350 initial screening and assessment instruments to be used and
351 provide requirements for their use and for the reporting of data
352 collected through their use.

353 (d) The department, or a sheriff's office acting under s.
354 39.3065, the Department of Juvenile Justice, and community-based
355 care lead agencies may use additional assessment instruments in
356 the course of serving sexually exploited children.

357 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.-

358 (a) The department, or a sheriff's office acting under s.
359 39.3065, shall conduct a multidisciplinary staffing for each
360 child that is a suspected or verified victim of commercial
361 sexual exploitation. The department or sheriff's office shall
362 coordinate the staffing and invite individuals involved in the
363 child's care, including, but not limited to, the child, if
364 appropriate; the child's family or legal guardian; the child's
365 guardian ad litem; Department of Juvenile Justice staff; school
366 district staff; local health and human services providers;
367 victim advocates; and any other persons who may be able to
368 assist the child.

369 (b) The staffing must use the assessment, local services,
370 and local protocols required by this section to develop a
371 service plan. The service plan must identify the needs of the
372 child and his or her family, the local services available to
373 meet those needs, and whether placement in a safe house or safe
374 foster home is needed. If the child is dependent, the case plan
375 required by s. 39.6011 may meet the requirement for a service
376 plan, but must be amended to incorporate the results of the
377 multidisciplinary staffing. If the child is not dependent, the

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378 service plan is voluntary and the department or sheriff's office
379 shall provide the plan to the victim and his or her family or
380 legal guardian and offer to make any needed referrals to local
381 service providers.

382 (c) The services identified in the service plan should be
383 provided in the least restrictive environment and may include,
384 but need not be limited to, the following:

- 385 1. Emergency shelter and runaway center services;
- 386 2. Outpatient individual or group counseling for the victim
387 and the victim's family or legal guardian;
- 388 3. Substance use disorder treatment services;
- 389 4. Drop-in centers or mentoring programs;
- 390 5. Commercial sexual exploitation treatment programs;
- 391 6. Child advocacy center services pursuant to s. 39.3035;
- 392 7. Prevention services such as those provided by the
393 Florida Network of Youth and Family Services and the PACE Center
394 for Girls;
- 395 8. Family foster care;
- 396 9. Therapeutic foster care;
- 397 10. Safe houses or safe foster homes;
- 398 11. Residential treatment programs; and
- 399 12. Employment or workforce training.

400 (d) The department, or a sheriff's office acting under s.
401 39.3065, shall follow up with all verified victims of commercial
402 sexual exploitation who are dependent within 6 months of the
403 completion of the child abuse investigation, and such
404 information must be included in the report required under s.
405 39.524. The followup must determine the following:

- 406 1. Whether a referral was made for the services recommended

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407 in the service plan;

408 2. Whether the services were received and, if not, the
409 reasons why;

410 3. Whether the services or treatments were completed and,
411 if not, the reasons why;

412 4. Whether the victim has experienced commercial sexual
413 exploitation since the verified report;

414 5. Whether the victim has run away since the verified
415 report;

416 6. The type and number of placements, if applicable;

417 7. The educational status of the child;

418 8. The employment status of the child; and

419 9. Whether the child has been involved in the juvenile or
420 criminal justice system.

421 (e) The department, or a sheriff's office acting under s.
422 39.3065, shall follow up with all verified victims of commercial
423 sexual exploitation who are not dependent within 6 months after
424 the child abuse investigation is completed and the information
425 must be used in the report required under s. 39.524. The
426 followup for nondependent victims and their families is
427 voluntary, and the victim, family, or legal guardian is not
428 required to respond. The followup must attempt to determine the
429 following:

430 1. Whether a referral was made for the services recommended
431 in the service plan;

432 2. Whether the services were received and, if not, the
433 reasons why;

434 3. Whether the services or treatments were completed and,
435 if not, the reasons why;

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436 4. Whether the victim has experienced commercial sexual
437 exploitation since the verified report;

438 5. Whether the victim has run away since the verified
439 report;

440 6. The educational status of the child;

441 7. The employment status of the child; and

442 8. Whether the child has been involved in the juvenile or
443 criminal justice system.

444 (3)(2) TRAINING; LOCAL PROTOCOLS CASE MANAGEMENT; TASK
445 FORCES.-

446 (a)~~1~~. The department, or a sheriff's office acting under s.
447 39.3065, and community-based care lead agencies shall ensure
448 that cases in which a child is alleged, suspected, or known to
449 be a victim of commercial sexual exploitation have been sexually
450 exploited are assigned to child protective investigators and
451 case managers who have specialized intensive training in
452 handling cases involving a sexually exploited child. The
453 department, sheriff's office, and lead agencies shall ensure
454 that child protective investigators and case managers receive
455 this training before accepting a case involving a commercially
456 sexually exploited child.

457 (b)~~2~~. The Department of Juvenile Justice shall ensure that
458 juvenile probation staff or contractors administering the
459 detention risk assessment instrument pursuant to s. 985.14
460 receive specialized intensive training in identifying and
461 serving commercially sexually exploited children.

462 ~~(b) The department and community-based care lead agencies~~
463 ~~shall conduct regular multidisciplinary staffings relating to~~
464 ~~services provided for sexually exploited children to ensure that~~

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465 ~~all parties possess relevant information and services are~~
466 ~~coordinated across systems. The department or community-based~~
467 ~~care lead agency, as appropriate, shall coordinate these~~
468 ~~staffings and invite individuals involved in the child's care,~~
469 ~~including, but not limited to, the child's guardian ad litem,~~
470 ~~juvenile justice system staff, school district staff, service~~
471 ~~providers, and victim advocates.~~

472 (c)~~1~~. Each region of the department and each community-
473 based care lead agency shall jointly assess local service
474 capacity to meet the specialized service needs of commercially
475 sexually exploited children and establish a plan to develop the
476 necessary capacity. Each plan shall be developed in consultation
477 with community-based care lead agencies, local law enforcement
478 officials, local school officials, runaway and homeless youth
479 program providers, local probation departments, children's
480 advocacy centers, guardians ad litem, public defenders, state
481 attorneys' offices, safe houses, and child advocates and service
482 providers who work directly with commercially sexually exploited
483 children.

484 (d)~~2~~. Each region of the department and each community-
485 based care lead agency shall establish local protocols and
486 procedures for working with commercially sexually exploited
487 children which are responsive to the individual circumstances of
488 each child. The protocols and procedures shall take into account
489 the varying types and levels of trauma endured; whether the
490 commercial sexual exploitation is actively occurring, occurred
491 in the past, or is inactive but likely to recur; and the
492 differing community resources and degrees of familial support
493 that are available. Child protective investigators and case

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494 managers must use these protocols and procedures when working
495 with a victim of commercial sexual exploitation ~~sexually~~
496 ~~exploited child~~.

497 (4)~~(3)~~ LOCAL RESPONSE TO HUMAN TRAFFICKING; TRAINING; TASK
498 FORCE.—

499 (a) To the extent that funds are available, the local
500 regional director may provide training to local law enforcement
501 officials who are likely to encounter child victims of
502 commercial sexual exploitation ~~sexually exploited children~~ in
503 the course of their law enforcement duties. Training must ~~shall~~
504 address ~~the provisions of~~ this section and how to identify and
505 obtain appropriate services for such ~~sexually exploited~~
506 children. The local circuit administrator may contract with a
507 not-for-profit agency with experience working with commercially
508 sexually exploited children to provide the training. Circuits
509 may work cooperatively to provide training, which may be
510 provided on a regional basis. The department shall assist
511 circuits to obtain available funds for the purpose of conducting
512 law enforcement training from the Office of Juvenile Justice and
513 Delinquency Prevention of the United States Department of
514 Justice.

515 (b) Circuit administrators or their designees, chief
516 probation officers of the Department of Juvenile Justice or
517 their designees, and the chief operating officers of community-
518 based care lead agencies or their designees shall participate in
519 any task force, committee, council, advisory group, coalition,
520 or other entity in their service area that is involved in
521 coordinating responses to address human trafficking or
522 commercial sexual exploitation of children. If such entity does

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523 not exist, the circuit administrator for the department shall
524 initiate one.

525 Section 6. Paragraph (c) is added to subsection (3) of
526 section 464.013, Florida Statutes, to read:

527 464.013 Renewal of license or certificate.—

528 (3) The board shall by rule prescribe up to 30 hours of
529 continuing education biennially as a condition for renewal of a
530 license or certificate.

531 (c) Notwithstanding the exemption in paragraph (a), as part
532 of the maximum biennial continuing education hours required
533 under this subsection, the board shall require each person
534 licensed or certified under this chapter to complete a 2-hour
535 continuing education course on human trafficking, as defined in
536 s. 787.06(2). The continuing education course must consist of
537 data and information on the types of human trafficking, such as
538 labor and sex, and the extent of human trafficking; factors that
539 place a person at greater risk of being a victim of human
540 trafficking; public and private social services available for
541 rescue, food, clothing, and shelter referrals; hotlines for
542 reporting human trafficking which are maintained by the National
543 Human Trafficking Resource Center and the United States
544 Department of Homeland Security; validated assessment tools for
545 identifying a human trafficking victim and general indicators
546 that a person may be a victim of human trafficking; procedures
547 for sharing information related to human trafficking with a
548 patient; and referral options for legal and social services. All
549 licensees must complete this course no later than May 1, 2019,
550 and every biennial period thereafter.

551 Section 7. Subsection (4) of section 907.041, Florida

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552 Statutes, is amended to read:

553 907.041 Pretrial detention and release.—

554 (4) PRETRIAL DETENTION.—

555 (a) As used in this subsection, "dangerous crime" means any
556 of the following:

557 1. Arson;

558 2. Aggravated assault;

559 3. Aggravated battery;

560 4. Illegal use of explosives;

561 5. Child abuse or aggravated child abuse;

562 6. Abuse of an elderly person or disabled adult, or
563 aggravated abuse of an elderly person or disabled adult;

564 7. Aircraft piracy;

565 8. Kidnapping;

566 9. Homicide;

567 10. Manslaughter;

568 11. Sexual battery;

569 12. Robbery;

570 13. Carjacking;

571 14. Lewd, lascivious, or indecent assault or act upon or in
572 presence of a child under the age of 16 years;

573 15. Sexual activity with a child, who is 12 years of age or
574 older but less than 18 years of age, by or at solicitation of
575 person in familial or custodial authority;

576 16. Burglary of a dwelling;

577 17. Stalking and aggravated stalking;

578 18. Act of domestic violence as defined in s. 741.28;

579 19. Home invasion robbery;

580 20. Act of terrorism as defined in s. 775.30;

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581 21. Manufacturing any substances in violation of chapter
582 893; ~~and~~
583 22. Attempting or conspiring to commit any such crime; and
584 23. Human trafficking.

585 (b) No person charged with a dangerous crime shall be
586 granted nonmonetary pretrial release at a first appearance
587 hearing; however, the court shall retain the discretion to
588 release an accused on electronic monitoring or on recognizance
589 bond if the findings on the record of facts and circumstances
590 warrant such a release.

591 (c) The court may order pretrial detention if it finds a
592 substantial probability, based on a defendant's past and present
593 patterns of behavior, the criteria in s. 903.046, and any other
594 relevant facts, that any of the following circumstances exist:

595 1. The defendant has previously violated conditions of
596 release and that no further conditions of release are reasonably
597 likely to assure the defendant's appearance at subsequent
598 proceedings;

599 2. The defendant, with the intent to obstruct the judicial
600 process, has threatened, intimidated, or injured any victim,
601 potential witness, juror, or judicial officer, or has attempted
602 or conspired to do so, and that no condition of release will
603 reasonably prevent the obstruction of the judicial process;

604 3. The defendant is charged with trafficking in controlled
605 substances as defined by s. 893.135, that there is a substantial
606 probability that the defendant has committed the offense, and
607 that no conditions of release will reasonably assure the
608 defendant's appearance at subsequent criminal proceedings;

609 4. The defendant is charged with DUI manslaughter, as

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610 defined by s. 316.193, and that there is a substantial
611 probability that the defendant committed the crime and that the
612 defendant poses a threat of harm to the community; conditions
613 that would support a finding by the court pursuant to this
614 subparagraph that the defendant poses a threat of harm to the
615 community include, but are not limited to, any of the following:

616 a. The defendant has previously been convicted of any crime
617 under s. 316.193, or of any crime in any other state or
618 territory of the United States that is substantially similar to
619 any crime under s. 316.193;

620 b. The defendant was driving with a suspended driver
621 license when the charged crime was committed; or

622 c. The defendant has previously been found guilty of, or
623 has had adjudication of guilt withheld for, driving while the
624 defendant's driver license was suspended or revoked in violation
625 of s. 322.34;

626 5. The defendant poses the threat of harm to the community.
627 The court may so conclude, if it finds that the defendant is
628 presently charged with a dangerous crime, that there is a
629 substantial probability that the defendant committed such crime,
630 that the factual circumstances of the crime indicate a disregard
631 for the safety of the community, and that there are no
632 conditions of release reasonably sufficient to protect the
633 community from the risk of physical harm to persons;

634 6. The defendant was on probation, parole, or other release
635 pending completion of sentence or on pretrial release for a
636 dangerous crime at the time the current offense was committed;

637 7. The defendant has violated one or more conditions of
638 pretrial release or bond for the offense currently before the

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639 court and the violation, in the discretion of the court,
640 supports a finding that no conditions of release can reasonably
641 protect the community from risk of physical harm to persons or
642 assure the presence of the accused at trial; or

643 8.a. The defendant has ever been sentenced pursuant to s.
644 775.082(9) or s. 775.084 as a prison releasee reoffender,
645 habitual violent felony offender, three-time violent felony
646 offender, or violent career criminal, or the state attorney
647 files a notice seeking that the defendant be sentenced pursuant
648 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
649 habitual violent felony offender, three-time violent felony
650 offender, or violent career criminal;

651 b. There is a substantial probability that the defendant
652 committed the offense; and

653 c. There are no conditions of release that can reasonably
654 protect the community from risk of physical harm or ensure the
655 presence of the accused at trial.

656 (d) When a person charged with a crime for which pretrial
657 detention could be ordered is arrested, the arresting agency
658 shall promptly notify the state attorney of the arrest and shall
659 provide the state attorney with such information as the
660 arresting agency has obtained relative to:

661 1. The nature and circumstances of the offense charged;

662 2. The nature of any physical evidence seized and the
663 contents of any statements obtained from the defendant or any
664 witness;

665 3. The defendant's family ties, residence, employment,
666 financial condition, and mental condition; and

667 4. The defendant's past conduct and present conduct,

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668 including any record of convictions, previous flight to avoid
669 prosecution, or failure to appear at court proceedings.

670 (e) When a person charged with a crime for which pretrial
671 detention could be ordered is arrested, the arresting agency may
672 detain such defendant, prior to the filing by the state attorney
673 of a motion seeking pretrial detention, for a period not to
674 exceed 24 hours.

675 (f) The pretrial detention hearing shall be held within 5
676 days of the filing by the state attorney of a complaint to seek
677 pretrial detention. The defendant may request a continuance. No
678 continuance shall be for longer than 5 days unless there are
679 extenuating circumstances. The defendant may be detained pending
680 the hearing. The state attorney shall be entitled to one
681 continuance for good cause.

682 (g) The state attorney has the burden of showing the need
683 for pretrial detention.

684 (h) The defendant is entitled to be represented by counsel,
685 to present witnesses and evidence, and to cross-examine
686 witnesses. The court may admit relevant evidence without
687 complying with the rules of evidence, but evidence secured in
688 violation of the United States Constitution or the Constitution
689 of the State of Florida shall not be admissible. No testimony by
690 the defendant shall be admissible to prove guilt at any other
691 judicial proceeding, but such testimony may be admitted in an
692 action for perjury, based upon the defendant's statements made
693 at the pretrial detention hearing, or for impeachment.

694 (i) The pretrial detention order of the court shall be
695 based solely upon evidence produced at the hearing and shall
696 contain findings of fact and conclusions of law to support it.

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697 The order shall be made either in writing or orally on the
698 record. The court shall render its findings within 24 hours of
699 the pretrial detention hearing.

700 (j) A defendant convicted at trial following the issuance
701 of a pretrial detention order shall have credited to his or her
702 sentence, if imprisonment is imposed, the time the defendant was
703 held under the order, pursuant to s. 921.161.

704 (k) The defendant shall be entitled to dissolution of the
705 pretrial detention order whenever the court finds that a
706 subsequent event has eliminated the basis for detention.

707 (l) The Legislature finds that a person who manufactures
708 any substances in violation of chapter 893 poses a threat of
709 harm to the community and that the factual circumstances of such
710 a crime indicate a disregard for the safety of the community.
711 The court shall order pretrial detention if the court finds that
712 there is a substantial probability that a defendant charged with
713 manufacturing any substances in violation of chapter 893
714 committed such a crime and if the court finds that there are no
715 conditions of release reasonably sufficient to protect the
716 community from the risk of physical harm to persons.

717 Section 8. For the purpose of incorporating the amendment
718 made by this act to section 907.041(4)(a), Florida Statutes, in
719 a reference thereto, paragraph (c) of subsection (2) of section
720 790.065, Florida Statutes, is reenacted to read:

721 790.065 Sale and delivery of firearms.—

722 (2) Upon receipt of a request for a criminal history record
723 check, the Department of Law Enforcement shall, during the
724 licensee's call or by return call, forthwith:

725 (c)1. Review any records available to it to determine

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726 whether the potential buyer or transferee has been indicted or
727 has had an information filed against her or him for an offense
728 that is a felony under either state or federal law, or, as
729 mandated by federal law, has had an injunction for protection
730 against domestic violence entered against the potential buyer or
731 transferee under s. 741.30, has had an injunction for protection
732 against repeat violence entered against the potential buyer or
733 transferee under s. 784.046, or has been arrested for a
734 dangerous crime as specified in s. 907.041(4)(a) or for any of
735 the following enumerated offenses:

- 736 a. Criminal anarchy under ss. 876.01 and 876.02.
- 737 b. Extortion under s. 836.05.
- 738 c. Explosives violations under s. 552.22(1) and (2).
- 739 d. Controlled substances violations under chapter 893.
- 740 e. Resisting an officer with violence under s. 843.01.
- 741 f. Weapons and firearms violations under this chapter.
- 742 g. Treason under s. 876.32.
- 743 h. Assisting self-murder under s. 782.08.
- 744 i. Sabotage under s. 876.38.
- 745 j. Stalking or aggravated stalking under s. 784.048.

746
747 If the review indicates any such indictment, information, or
748 arrest, the department shall provide to the licensee a
749 conditional nonapproval number.

750 2. Within 24 working hours, the department shall determine
751 the disposition of the indictment, information, or arrest and
752 inform the licensee as to whether the potential buyer is
753 prohibited from receiving or possessing a firearm. For purposes
754 of this paragraph, "working hours" means the hours from 8 a.m.

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755 to 5 p.m. Monday through Friday, excluding legal holidays.

756 3. The office of the clerk of court, at no charge to the
757 department, shall respond to any department request for data on
758 the disposition of the indictment, information, or arrest as
759 soon as possible, but in no event later than 8 working hours.

760 4. The department shall determine as quickly as possible
761 within the allotted time period whether the potential buyer is
762 prohibited from receiving or possessing a firearm.

763 5. If the potential buyer is not so prohibited, or if the
764 department cannot determine the disposition information within
765 the allotted time period, the department shall provide the
766 licensee with a conditional approval number.

767 6. If the buyer is so prohibited, the conditional
768 nonapproval number shall become a nonapproval number.

769 7. The department shall continue its attempts to obtain the
770 disposition information and may retain a record of all approval
771 numbers granted without sufficient disposition information. If
772 the department later obtains disposition information which
773 indicates:

774 a. That the potential buyer is not prohibited from owning a
775 firearm, it shall treat the record of the transaction in
776 accordance with this section; or

777 b. That the potential buyer is prohibited from owning a
778 firearm, it shall immediately revoke the conditional approval
779 number and notify local law enforcement.

780 8. During the time that disposition of the indictment,
781 information, or arrest is pending and until the department is
782 notified by the potential buyer that there has been a final
783 disposition of the indictment, information, or arrest, the

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784 conditional nonapproval number shall remain in effect.

785 Section 9. This act shall take effect October 1, 2017.