

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 276

INTRODUCER: Senator Wright

SUBJECT: Sheltering or Aiding Unmarried Minors

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Tuszynski</u>	<u>Tuszynski</u>	<u>CF</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 276 amends ss. 984.085 and 985.731, F.S., to create a presumption and defense to the crime of sheltering or aiding an unmarried minor. Current law provides prohibitions against knowingly sheltering or aiding unmarried minors, except under specified conditions.

The bill provides that:

- Proof that an unmarried minor has not attained 18 years of age creates a presumption that the person knew the minor’s age or acted in reckless disregard thereof.
- It is a defense to the crime of unlawfully sheltering or aiding unmarried a minor if the defendant had reasonable cause to believe that his or her action was necessary to preserve the minor from danger to his or her welfare.

The bill increases the crime of sheltering or aiding an unmarried minor from a first degree misdemeanor to a third degree felony.

The bill may have an indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill is effective on October 1, 2025.

II. Present Situation:

Homeless and Runaway Children and Youth

Federal law provides a definition for the term “homeless children and youths,” which means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youths who are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters or are abandoned in hospitals;
- Utilizing for a primary nighttime residence a place that is a public or private place but not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children living in circumstances described above.¹

The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian.²

Florida law defines the term “children and youths who are experiencing homelessness” to have the same meaning as “homeless children and youths” under federal law and described above.³

Homeless Children and Youth

Each year, an estimated 3.5 million youth and young adults experience homelessness in the United States, 700,000 of which are unaccompanied minors—meaning they are not part of a family or accompanied by a parent or guardian. These estimates indicate that approximately one in 10 adults’ ages 18 to 25, and one in 30 youth ages 13 to 17 will experience homelessness each year.⁴

The Voices of Youth Count from Chapin Hall at the University of Chicago found, in part, that one in 10 young adults ages 18-25, and at least one in 30 adolescents ages 13-17, experience some form of homelessness unaccompanied by a parent or guardian over the course of a year.

- Black youth face an 83% increased risk, and Hispanic youth 33% increased risk, than their white peers.
- LGBTQ youth were more than twice as likely to have experienced homelessness.
- Young parents – especially unmarried – had a three times higher risk for homelessness than non-parenting peers.
- Youth with experiences in foster care, juvenile detention, jail, or prison are at a higher risk for homelessness.
- Youth who do not complete high school are 3.5 times more likely to experience homelessness than peers who completed a high school diploma.⁵

As of 2024, Florida had an estimated 31,362 people experiencing homelessness on any given day, as reported by the U.S. Department of Housing and Urban Development (HUD), which is

¹ 42 USC s. 11434a.

² *Id.*

³ Section 1003.01(4), F.S.

⁴ National Network for Youth, *Youth Homelessness*, available at <https://nn4youth.org/learn/youth-homelessness/> (last visited March 26, 2025).

⁵ *Id.*

14 in every 10,000 people.⁶ Of that total, 7,563 people were in families with children, 1,367 were unaccompanied homeless youth, 2,333 were veterans, and 6,100 were chronically homeless individuals.⁷

The Florida Department of Education (FDOE) reports that 94,902 students experienced homelessness in the 2022-2023 school year, the overall number increased by 21 percent between 2022 and 2023.⁸

Runaway Youth

Research shows that almost seven percent of youth, or 1.5 million children and adolescents, run away each year.⁹ Youth most often runaway from home and become homeless due to family conflicts, abuse, and/or neglect.¹⁰ The National Center for Missing & Exploited Children defines an Endangered Runaway as a child under the age of 18 who is missing on his or her own accord and whose whereabouts are unknown to their parent or legal guardian.¹¹ These children are highly vulnerable and can experience homelessness when they are missing. Research indicates that in 2023, 74 percent of endangered runaways reported were between 15-17 years old. The risk factors for running away from home or state care are multifaceted, and there is no typical Endangered Runaway. Risk factors that put the youth at an increased risk of running away or becoming homeless include:

- Physical or sexual abuse
- Family conflict
- Struggling to manage mental health
- Substance abuse
- Medical issue/developmental or physical disability
- Pregnancy
- Online enticement
- To be with a friend, romantic partner, or biological family
- Gang activity
- Child sex trafficking
- Social rejection or bullying¹²

⁶ U.S. Department of Housing and Urban Development, *2024 Annual Homelessness Assessment Report (AHAR) to Congress*, available at <https://www.huduser.gov/portal/sites/default/files/pdf/2024-AHAR-Part-1.pdf> (last visited March 26, 2025).

⁷ *Id.*

⁸ Florida's Council on Homelessness, *2024 Annual Report*, pg. 34, available at <https://www.myflfamilies.com/sites/default/files/2024-07/Council%202024%20Annual%20Homelessness%20Report.pdf> (last visited March 26, 2025).

⁹ National Conference of State Legislatures, *Youth Homelessness Overview*, available at <https://www.ncsl.org/human-services/youth-homelessness-overview> (last visited March 26, 2025).

¹⁰ *Id.*

¹¹ National Center for Missing & Exploited Children, *Endangered Runaways*, available at <https://www.missingkids.org/theissues/runaways> (last visited March 26, 2025).

¹² *Id.*

Risk of Human Trafficking

Homeless and runaway youth experience the risk factors of trafficking at a higher rate, such as mental health issues, addiction, poverty, unemployment, and a history of abuse. As a result, they are more susceptible to human trafficking and other forms of exploitation.¹³ According to research, an estimated 4.2 million young people (ages 13-25) experience homelessness annually, including 700,000 unaccompanied minor youth ages 13 to 17. Many of those young people will become victims of sex or labor trafficking. Research from numerous studies have found trafficking rates among youth experiencing homelessness ranging from 19 percent to 40 percent. Using the lower-end estimate of one in five youth experiencing homelessness also being trafficked for sex, labor, or both, this means that approximately 800,000 youth who experience homelessness are also survivors of trafficking.¹⁴

The Florida Legislature recognizes human trafficking as a form of modern-day slavery whose victims include young children, teenagers, and adults who may be citizens that are trafficked domestically within the borders of the United States or smuggled across international borders worldwide.¹⁵ While many victims of human trafficking are forced to work in prostitution or sexual entertainment, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, factory work, and agricultural work.¹⁶

Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,¹⁷ purchasing, patronizing, procuring, or obtaining¹⁸ another person for the purpose of exploitation of that person.¹⁹

Human trafficking includes two types of exploitation: commercial sexual exploitation (CSE) and forced labor.²⁰ In 2023, according to the Department of Children and Families, 339 youth were verified as victims of commercial sexual exploitation (CSE) in Florida. The overall number has decreased by 11% since 2020.²¹

¹³ United Way, *The Intersection between Housing Instability and Human Trafficking*, available at <https://www.unitedway.org/news/the-intersection-between-housing-instability-and-human-trafficking> (last visited March 26, 2025).

¹⁴ Human Trafficking Search, *The Intersection Between Youth Homelessness and Human Trafficking*, available at <https://humantraffickingsearch.org/the-intersection-between-youth-homelessness-and-human-trafficking/> (last visited March 26, 2025).

¹⁵ Section 787.06, F.S.

¹⁶ *Id.*

¹⁷ Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

¹⁸ Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof. Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

¹⁹ Section 787.06(2)(d), F.S.

²⁰ Section 787.06, F.S.

²¹ Office of Program Policy Analysis & Government Accountability, *Annual Report on Commercial Sexual Exploitation of Minors, 2024*, available at <https://oppaga.fl.gov/Documents/Reports/24-04.pdf> (last visited March 26, 2025).

Sheltering or Aiding Unmarried Minors

In 2016, Sam Fugatt was arrested for two charges of sheltering or aiding two unmarried minors by accompanying two runaways on a bus to Miami International Airport. One of the minors alleged she and Fugatt engaged in sexual relations at least three times.²² In 2018, Sam Fugatt was arrested again on charges of having sexual relations and providing narcotics to a 14-year-old girl. Police made statements that Fugatt will lure a girl, someone in foster care or who otherwise has minimal parental supervision, to his home via social media and then take that girl's phone to look for others like her. Detective said they also were told that Fugatt provided drugs to the teen, got her involved in other illegal activities, and would sometimes pick her up from school and take her away for days at a time.²³

Florida law provides criminal penalties under two sections of law for sheltering or aiding unmarried minors.

Sections 984.085 and 985.731, F.S., provides it is a first degree misdemeanor²⁴ for a person:

- Who is not an authorized agent of the DCF or the DJJ to knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.
- To knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.^{25,26}

III. Effect of Proposed Changes:

The bill amends ss. 984.085 and 985.731, F.S., to create a presumption and defense to the crime of shelter or aiding an unmarried minor. Current law provides prohibitions against knowingly sheltering or aiding unmarried minors, except under specified conditions.

The bill provides that:

- Proof that an unmarried minor has not attained 18 years of age creates a presumption that the person knew the minor's age or acted in reckless disregard thereof.
- It is a defense to the crime of unlawfully sheltering or aiding an unmarried minor if the defendant had reasonable cause to believe that his or her action was necessary to preserve the minor from danger to his or her welfare.

²² The Daytona Beach News-Journal, *Police: Daytona Man Sheltered Minor Runaways*, Suzanne Hirt (August 4, 2017), available at <https://www.news-journalonline.com/story/news/crime/2017/08/04/police-daytona-man-sheltered-minor-runaways/20017043007/> (last visited March 26, 2025).

²³ The Daytona Beach News-Journal, *Daytona Man Accused of Sexually Abusing Girl, 14*, Tony Holt (September 7, 2018), available at <https://www.news-journalonline.com/story/news/crime/2018/09/07/daytona-man-accused-of-sexually-abusing-girl-14/10816562007/> (last visited March 26, 2025).

²⁴ A misdemeanor of the first degree is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding \$1,000. Section 775.082 and 775.083, F.S.

²⁵ Section 984.085, F.S.

²⁶ Section 985.731, F.S.

The bill increases the crime of sheltering or aiding an unmarried minor from a first degree misdemeanor to a third degree felony.

The bill is effective on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill may create a rebuttable or an irrebuttable presumption by creating a presumption that a person in violation of this statute knew the minor's age or acted in reckless disregard thereof. A mandatory irrebuttable presumption violates due process because it relieves the prosecution of the burden of persuasion on an element of the criminal offense. A rebuttable presumption does not remove the presumed element the state must prove, but it shifts the burden of proof to the defendant to persuade or provide evidence otherwise, violating due process in most cases.²⁷

While the general rule is that every crime must include a specific intent, or a mens rea, the legislature and courts recognize an exception where the state has a compelling interest in protecting underage persons from being sexually abused or exploited. In cases relating to sex offenses or abuse involving minors, a persons ignorance of the age of the victim is not a defense, nor is the misrepresentation of age or a defendant's real belief that such victim is over the specified age.^{28,29}

²⁷ *Ibarrondo v. State*, 1 So. 3d 226 (Fla. 5th DCA 2008)

²⁸ *State v. Sorakrai*, 543 So. 2d 294 (Fla. 2d DCA 1989)

²⁹ *Grady v. State*, 701 So. 2d 1181 (Fla. 5th DCA 1997)

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the Department of Corrections due to the enhanced penalties under the bill and the possibility of offenders receiving prison sentences.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.085 and 985.731.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.