

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  
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 course content; requiring  
35 completion of the course by all licensees by a  
36 specified date; amending s. 907.041, F.S.; adding  
37 human trafficking to the list of crimes requiring  
38 pretrial detention of the defendant; reenacting s.  
39 790.065(2)(c), F.S., relating to the sale and delivery  
40 of firearms to incorporate the amendment made to s.  
41 907.041, F.S., in a reference thereto; providing an  
42 effective date.

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

45  
46 Section 1. Section 39.524, Florida Statutes, is amended to  
47 read:

48 39.524 Safe-harbor placement.—

49 (1) Except as provided in s. 39.407 or s. 985.801, a  
50 dependent child 6 years of age or older who is suspected of

51 being or has been found to be a victim of commercial sexual  
52 exploitation as defined in s. 409.016 ~~s. 39.01(70)(g)~~ must be  
53 assessed, and the department or a sheriff's office acting under  
54 s. 39.3065 must conduct a multidisciplinary staffing pursuant to  
55 s. 409.1754(2), to determine the child's need for services and  
56 his or her need for placement in a safe house or safe foster  
57 home as provided in s. 409.1678 using the initial screening and  
58 assessment instruments provided in s. 409.1754(1). If such  
59 placement is determined to be appropriate for the child as a  
60 result of this assessment, the child may be placed in a safe  
61 house or safe foster home, if one is available. However, the  
62 child may be placed in another setting, if the other setting is  
63 more appropriate to the child's needs or if a safe house or safe  
64 foster home is unavailable, as long as the child's behaviors are  
65 managed so as not to endanger other children served in that  
66 setting.

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

76 (3) (a) By October ~~December~~ 1 of each year, the department,  
77 with information from community-based care agencies and certain  
78 sheriff's offices acting under s. 39.3065, shall report to the  
79 Legislature on the prevalence of child commercial sexual  
80 exploitation; the specialized services provided and placement of  
81 such children; the local service capacity assessed pursuant to  
82 s. 409.1754; the placement of children in safe houses and safe  
83 foster homes during the year, including the criteria used to  
84 determine the placement of children;~~;~~ the number of children who  
85 were evaluated for placement;~~;~~ the number of children who were  
86 placed based upon the evaluation;~~;~~~~and~~ the number of children  
87 who were not placed; and the department's response to the  
88 findings and recommendations made by the Office of Program  
89 Policy Analysis and Government Accountability in its annual  
90 study on commercial sexual exploitation of children, as required  
91 by s. 409.16791.

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

101 in developing the General Appropriations Act.

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

104 92.565 Admissibility of confession in sexual abuse cases.—

105 (2) In any criminal action in which the defendant is  
106 charged with a crime against a victim under s. 787.06(3),  
107 involving commercial sexual activity; s. 794.011; s. 794.05; s.  
108 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04,  
109 involving sexual abuse; s. 827.071; or s. 847.0135(5), or any  
110 other crime involving sexual abuse of another, or with any  
111 attempt, solicitation, or conspiracy to commit any of these  
112 crimes, the defendant's memorialized confession or admission is  
113 admissible during trial without the state having to prove a  
114 corpus delicti of the crime if the court finds in a hearing  
115 conducted outside the presence of the jury that the state is  
116 unable to show the existence of each element of the crime, and  
117 having so found, further finds that the defendant's confession  
118 or admission is trustworthy. Factors which may be relevant in  
119 determining whether the state is unable to show the existence of  
120 each element of the crime include, but are not limited to, the  
121 fact that, at the time the crime was committed, the victim was:

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

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

126 (c) Less than 12 years of age.

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

131 409.016 Definitions.—As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

176 care, to the extent possible and appropriate.

177 2. Serve exclusively one sex.

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

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

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

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

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

198 (d) Safe houses and safe foster homes shall provide  
199 services tailored to the needs of child victims of commercial  
200 sexual exploitation ~~sexually exploited children~~ and shall



201 | conduct a comprehensive assessment of the service needs of each  
 202 | resident. In addition to the services required to be provided by  
 203 | residential child caring agencies and family foster homes, safe  
 204 | houses and safe foster homes must provide, arrange for, or  
 205 | coordinate, at a minimum, the following services:

- 206 |       1. Victim-witness counseling.
- 207 |       2. Family counseling.
- 208 |       3. Behavioral health care.
- 209 |       4. Treatment and intervention for sexual assault.
- 210 |       5. Education tailored to the child's individual needs,  
 211 | including remedial education if necessary.
- 212 |       6. Life skills and workforce training.
- 213 |       7. Mentoring by a survivor of commercial sexual  
 214 | exploitation, if available and appropriate for the child.
- 215 |       8. Substance abuse screening and, when necessary, access  
 216 | to treatment.
- 217 |       9. Planning services for the successful transition of each  
 218 | child back to the community.
- 219 |       10. Activities structured in a manner that provides child  
 220 | victims of commercial sexual exploitation ~~sexually exploited~~  
 221 | ~~children~~ with a full schedule.

222 |       (e) The community-based care lead agencies shall ensure  
 223 | that foster parents of safe foster homes and staff of safe  
 224 | houses complete intensive training regarding, at a minimum, the  
 225 | needs of child victims of commercial sexual exploitation

226 ~~sexually exploited children~~, the effects of trauma and sexual  
227 exploitation, and how to address those needs using strength-  
228 based and trauma-informed approaches. The department shall  
229 specify the contents of this training by rule and may develop or  
230 contract for a standard curriculum. The department may establish  
231 by rule additional criteria for the certification of safe houses  
232 and safe foster homes that shall address the security,  
233 therapeutic, social, health, and educational needs of child  
234 victims of commercial sexual exploitation ~~sexually exploited~~  
235 ~~children~~.

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

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

246 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR  
247 HOSPITAL. ~~No later than July 1, 2015,~~ Residential treatment  
248 centers licensed under s. 394.875, and hospitals licensed under  
249 chapter 395 that provide residential mental health treatment,  
250 shall provide specialized treatment for commercially sexually

251 exploited children in the custody of the department who are  
252 placed in these facilities pursuant to s. 39.407(6), s.  
253 394.4625, or s. 394.467. The specialized treatment must meet the  
254 requirements of subparagraphs (2)(c)1. and 3.-7., paragraph  
255 (2)(d), and the department's treatment standards adopted  
256 pursuant to this section. The facilities shall ensure that  
257 children are served in single-sex groups and that staff working  
258 with such children are adequately trained in the effects of  
259 trauma and sexual exploitation, the needs of child victims of  
260 commercial sexual exploitation ~~sexually exploited children~~, and  
261 how to address those needs using strength-based and trauma-  
262 informed approaches.

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

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

272 (b) The community-based care lead agency shall ensure that  
273 all child victims of commercial sexual exploitation ~~sexually~~  
274 ~~exploited children~~ residing in safe houses or safe foster homes  
275 or served in residential treatment centers or hospitals pursuant

276 to subsection (3) have a case manager and a case plan, whether  
277 or not the child is a dependent child.

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

288 (6) LOCATION INFORMATION.—

289 (a) Information about the location of a safe house, safe  
290 foster home, or other residential facility serving child victims  
291 of commercial sexual exploitation ~~victims of sexual~~  
292 ~~exploitation~~, as defined in s. 409.016 ~~s. 39.01(70)(g)~~, which is  
293 held by an agency, as defined in s. 119.011, is confidential and  
294 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
295 Constitution. This exemption applies to such confidential and  
296 exempt information held by an agency before, on, or after the  
297 effective date of the exemption.

298 (b) Information about the location of a safe house, safe  
299 foster home, or other residential facility serving child victims  
300 of commercial sexual exploitation ~~victims of sexual~~

301 ~~exploitation~~, as defined in s. 409.016 ~~s. 39.01(70)(g)~~, may be  
 302 provided to an agency, as defined in s. 119.011, as necessary to  
 303 maintain health and safety standards and to address emergency  
 304 situations in the safe house, safe foster home, or other  
 305 residential facility.

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

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

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

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

320 (1) SCREENING AND ASSESSMENT.—

321 (a) The department shall develop or adopt one or more  
 322 initial screening and assessment instruments to identify,  
 323 determine the needs of, plan services for, and determine the  
 324 appropriate placement for child victims of commercial sexual  
 325 exploitation who are not eligible for relief and benefits under

326 | the federal Trafficking Victims Protection Act, 22 U.S.C. ss.  
327 | 7101 et seq ~~sexually exploited children~~. The department shall  
328 | consult state and local agencies, organizations, and individuals  
329 | involved in the identification and care of such ~~sexually~~  
330 | ~~exploited~~ children when developing or adopting initial screening  
331 | and assessment instruments. Initial screening and assessment  
332 | instruments shall assess the appropriate placement of child  
333 | victims of commercial sexual exploitation ~~a sexually exploited~~  
334 | ~~child~~, including whether placement in a safe house or safe  
335 | foster home as provided in s. 409.1678 is appropriate, and shall  
336 | consider, at a minimum, the following factors:

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

348 | (b) The initial screening and assessment instruments shall  
349 | be validated, if possible, and must be used by the department,  
350 | juvenile assessment centers as provided in s. 985.135, and

351 community-based care lead agencies.

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

356 (d) The department, or a sheriff's office acting under s.  
357 39.3065, the Department of Juvenile Justice, and community-based  
358 care lead agencies may use additional assessment instruments in  
359 the course of serving sexually exploited children.

360 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

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

372 (b) The staffing must use the assessment, local services,  
373 and local protocols required by this section to develop a  
374 service plan. The service plan must identify the needs of the  
375 child and his or her family, the local services available to

376 meet those needs, and whether placement in a safe house or safe  
377 foster home is needed. If the child is dependent, the case plan  
378 required by s. 39.6011 may meet the requirement for a service  
379 plan, but must be amended to incorporate the results of the  
380 multidisciplinary staffing. If the child is not dependent, the  
381 service plan is voluntary and the department or sheriff's office  
382 shall provide the plan to the victim and his or her family or  
383 legal guardian and offer to make any needed referrals to local  
384 service providers.

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

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



401 11. Residential treatment programs; and

402 12. Employment or workforce training.

403 (d) The department, or a sheriff's office acting under s.  
404 39.3065, shall follow up with all verified victims of commercial  
405 sexual exploitation who are dependent within 6 months of the  
406 completion of the child abuse investigation, and such  
407 information must be included in the report required under s.  
408 39.524. The followup must determine the following:

409 1. Whether a referral was made for the services  
410 recommended in the service plan;

411 2. Whether the services were received, and if not, the  
412 reasons why;

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

415 4. Whether the victim has experienced commercial sexual  
416 exploitation since the verified report;

417 5. Whether the victim has run away since the verified  
418 report;

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

420 7. The educational status of the child;

421 8. The employment status of the child; and

422 9. Whether the child has been involved in the juvenile or  
423 criminal justice system.

424 (e) The department, or a sheriff's office acting under s.  
425 39.3065, shall follow up with all verified victims of commercial

426 sexual exploitation who are not dependent within 6 months after  
427 the child abuse investigation is completed and the information  
428 must be used in the report required under s. 39.524. The  
429 followup for nondependent victims and their families is  
430 voluntary and the victim, family, or legal guardian is not  
431 required to respond. The followup must attempt to determine the  
432 following:

433 1. Whether a referral was made for the services  
434 recommended in the service plan;

435 2. Whether the services were received and, if not, the  
436 reasons why;

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

439 4. Whether the victim has experienced commercial sexual  
440 exploitation since the verified report;

441 5. Whether the victim has run away since the verified  
442 report;

443 6. The educational status of the child;

444 7. The employment status of the child; and

445 8. Whether the child has been involved in the juvenile or  
446 criminal justice system.

447 ~~(3)(2) TRAINING; LOCAL PROTOCOLS CASE MANAGEMENT; TASK~~  
448 ~~FORCES.—~~

449 (a)1. The department, or a sheriff's office acting under  
450 s. 39.3065, and community-based care lead agencies shall ensure

451 that cases in which a child is alleged, suspected, or known to  
452 be a victim of commercial sexual exploitation ~~have been sexually~~  
453 ~~exploited~~ are assigned to child protective investigators and  
454 case managers who have specialized intensive training in  
455 handling cases involving a sexually exploited child. The  
456 department, sheriff's office, and lead agencies shall ensure  
457 that child protective investigators and case managers receive  
458 this training before accepting a case involving a commercially  
459 sexually exploited child.

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

465 ~~(b) The department and community-based care lead agencies~~  
466 ~~shall conduct regular multidisciplinary staffings relating to~~  
467 ~~services provided for sexually exploited children to ensure that~~  
468 ~~all parties possess relevant information and services are~~  
469 ~~coordinated across systems. The department or community-based~~  
470 ~~care lead agency, as appropriate, shall coordinate these~~  
471 ~~staffings and invite individuals involved in the child's care,~~  
472 ~~including, but not limited to, the child's guardian ad litem,~~  
473 ~~juvenile justice system staff, school district staff, service~~  
474 ~~providers, and victim advocates.~~

475 (c)1- Each region of the department and each community-

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

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

500 (4)(3) LOCAL RESPONSE TO HUMAN TRAFFICKING; TRAINING; TASK

501 FORCE.—

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

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

526 | not exist, the circuit administrator for the department shall  
527 | initiate one.

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

530 |       464.013 Renewal of license or certificate.—

531 |       (3) The board shall by rule prescribe up to 30 hours of  
532 | continuing education biennially as a condition for renewal of a  
533 | license or certificate.

534 |       (c) Notwithstanding the exemption in paragraph (a), as  
535 | part of the maximum biennial continuing education hours required  
536 | under this subsection, the board shall require each person  
537 | licensed or certified under this chapter to complete a 2-hour  
538 | continuing education course on human trafficking, as defined in  
539 | s. 787.06(2). The continuing education course must consist of  
540 | data and information on the types of human trafficking, such as  
541 | labor and sex, and the extent of human trafficking; factors that  
542 | place a person at greater risk of being a victim of human  
543 | trafficking; public and private social services available for  
544 | rescue, food, clothing, and shelter referrals; hotlines for  
545 | reporting human trafficking which are maintained by the National  
546 | Human Trafficking Resource Center and the United States  
547 | Department of Homeland Security; validated assessment tools for  
548 | identifying a human trafficking victim and general indicators  
549 | that a person may be a victim of human trafficking; procedures  
550 | for sharing information related to human trafficking with a

551 patient; and referral options for legal and social services. All  
 552 licensees must complete this course for every biennial licensure  
 553 renewal on or after January 1, 2019.

554 Section 7. Subsection (4) of section 907.041, Florida  
 555 Statutes, is amended to read:

556 907.041 Pretrial detention and release.—

557 (4) PRETRIAL DETENTION.—

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

- 560 1. Arson;
- 561 2. Aggravated assault;
- 562 3. Aggravated battery;
- 563 4. Illegal use of explosives;
- 564 5. Child abuse or aggravated child abuse;
- 565 6. Abuse of an elderly person or disabled adult, or  
 566 aggravated abuse of an elderly person or disabled adult;
- 567 7. Aircraft piracy;
- 568 8. Kidnapping;
- 569 9. Homicide;
- 570 10. Manslaughter;
- 571 11. Sexual battery;
- 572 12. Robbery;
- 573 13. Carjacking;
- 574 14. Lewd, lascivious, or indecent assault or act upon or  
 575 in presence of a child under the age of 16 years;

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

579 16. Burglary of a dwelling;

580 17. Stalking and aggravated stalking;

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

582 19. Home invasion robbery;

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

584 21. Manufacturing any substances in violation of chapter  
 585 893; ~~and~~

586 22. Attempting or conspiring to commit any such crime; and

587 23. Human trafficking.

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

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

598 1. The defendant has previously violated conditions of  
 599 release and that no further conditions of release are reasonably  
 600 likely to assure the defendant's appearance at subsequent



601 proceedings;

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

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

612         4. The defendant is charged with DUI manslaughter, as  
613 defined by s. 316.193, and that there is a substantial  
614 probability that the defendant committed the crime and that the  
615 defendant poses a threat of harm to the community; conditions  
616 that would support a finding by the court pursuant to this  
617 subparagraph that the defendant poses a threat of harm to the  
618 community include, but are not limited to, any of the following:

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

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

625             c. The defendant has previously been found guilty of, or

626 | has had adjudication of guilt withheld for, driving while the  
627 | defendant's driver license was suspended or revoked in violation  
628 | of s. 322.34;

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

637 |         6. The defendant was on probation, parole, or other  
638 | release pending completion of sentence or on pretrial release  
639 | for a dangerous crime at the time the current offense was  
640 | committed;

641 |         7. The defendant has violated one or more conditions of  
642 | pretrial release or bond for the offense currently before the  
643 | court and the violation, in the discretion of the court,  
644 | supports a finding that no conditions of release can reasonably  
645 | protect the community from risk of physical harm to persons or  
646 | assure the presence of the accused at trial; or

647 |         8.a. The defendant has ever been sentenced pursuant to s.  
648 | 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, or the state attorney

651 files a notice seeking that the defendant be sentenced pursuant  
652 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
653 habitual violent felony offender, three-time violent felony  
654 offender, or violent career criminal;

655 b. There is a substantial probability that the defendant  
656 committed the offense; and

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

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

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

666 2. The nature of any physical evidence seized and the  
667 contents of any statements obtained from the defendant or any  
668 witness;

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

671 4. The defendant's past conduct and present conduct,  
672 including any record of convictions, previous flight to avoid  
673 prosecution, or failure to appear at court proceedings.

674 (e) When a person charged with a crime for which pretrial  
675 detention could be ordered is arrested, the arresting agency may

676 detain such defendant, prior to the filing by the state attorney  
677 of a motion seeking pretrial detention, for a period not to  
678 exceed 24 hours.

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

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

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

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

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

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

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

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

721 Section 8. For the purpose of incorporating the amendment  
 722 made by this act to section 907.041(4)(a), Florida Statutes, in  
 723 a reference thereto, paragraph (c) of subsection (2) of section  
 724 790.065, Florida Statutes, is reenacted to read:

725 790.065 Sale and delivery of firearms.—

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

729 (c)1. Review any records available to it to determine  
 730 whether the potential buyer or transferee has been indicted or  
 731 has had an information filed against her or him for an offense  
 732 that is a felony under either state or federal law, or, as  
 733 mandated by federal law, has had an injunction for protection  
 734 against domestic violence entered against the potential buyer or  
 735 transferee under s. 741.30, has had an injunction for protection  
 736 against repeat violence entered against the potential buyer or  
 737 transferee under s. 784.046, or has been arrested for a  
 738 dangerous crime as specified in s. 907.041(4)(a) or for any of  
 739 the following enumerated offenses:

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

750

751 If the review indicates any such indictment, information, or  
752 arrest, the department shall provide to the licensee a  
753 conditional nonapproval number.

754 2. Within 24 working hours, the department shall determine  
755 the disposition of the indictment, information, or arrest and  
756 inform the licensee as to whether the potential buyer is  
757 prohibited from receiving or possessing a firearm. For purposes  
758 of this paragraph, "working hours" means the hours from 8 a.m.  
759 to 5 p.m. Monday through Friday, excluding legal holidays.

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

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

767 5. If the potential buyer is not so prohibited, or if the  
768 department cannot determine the disposition information within  
769 the allotted time period, the department shall provide the  
770 licensee with a conditional approval number.

771 6. If the buyer is so prohibited, the conditional  
772 nonapproval number shall become a nonapproval number.

773 7. The department shall continue its attempts to obtain  
774 the disposition information and may retain a record of all  
775 approval numbers granted without sufficient disposition

776 information. If the department later obtains disposition  
777 information which indicates:

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

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

784 8. During the time that disposition of the indictment,  
785 information, or arrest is pending and until the department is  
786 notified by the potential buyer that there has been a final  
787 disposition of the indictment, information, or arrest, the  
788 conditional nonapproval number shall remain in effect.

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

790