

**SB 436** by **Storms**; (Identical to H 0215) Video Voyeurism

**CS/SB 202** by **CF, Flores**; (Compare to CS/H 0099) Sexual Exploitation

**SB 296** by **Joyner**; (Similar to H 0257) Offense of Video Voyeurism

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL  
JUSTICE APPROPRIATIONS**

**Senator Fasano, Chair**  
**Senator Joyner, Vice Chair**

**MEETING DATE:** Thursday, January 19, 2012

**TIME:** 2:45 —4:15 p.m.

**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Fasano, Chair; Senator Joyner, Vice Chair; Senators Bennett, Evers, Smith, Storms, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 436</b> Storms (Identical H 215, Compare H 257, CS/H 437, S 296, S 964)	Video Voyeurism; Revising the definition of the term "place and time when a person has a reasonable expectation of privacy" to include the interior of a residential dwelling; increasing the classification of specified video voyeurism offenses, etc.  CJ 12/07/2011 Favorable BJA 01/19/2012 BC	
2	<b>CS/SB 202</b> Children, Families, and Elder Affairs / Flores (Compare CS/H 99)	Sexual Exploitation; Citing this act as the "Florida Safe Harbor Act;" authorizing delivery of children alleged to be dependent and sexually exploited to short-term safe houses; providing for a presumption that placement of a child alleged to have been sexually exploited in a short-term safe house is necessary; providing requirements for findings in a shelter hearing relating to placement of an allegedly sexually exploited child in a short-term safe house; providing for a presumption that placement of a child alleged to have been sexually exploited in a safe house is necessary; requiring assessment of certain children for placement in a safe house; providing for use of such assessments; providing requirements for safe houses receiving such children; requiring an annual report concerning safe-house placements; requiring circuits of the Department of Children and Family Services to address child welfare service needs of sexually exploited children as a component of their master plans; providing duties, etc.  CF 12/07/2011 Fav/CS BJA 01/19/2012 BC	
3	<b>SB 296</b> Joyner (Similar H 257, Compare H 215, S 436)	Offense of Video Voyeurism; Increasing the penalty for conducting video voyeurism in a residential dwelling from a first-degree misdemeanor to a third-degree felony, etc.  CJ 12/07/2011 Favorable BJA 01/19/2012 BC	

**COMMITTEE MEETING EXPANDED AGENDA**

Budget Subcommittee on Criminal and Civil Justice Appropriations  
Thursday, January 19, 2012, 2:45 —4:15 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	2012 Domestic Security Funding Recommendations		
5	Presentation by LeeSar/Cooperative Services of Florida, Inc.		
6	Public Testimony		
7	Budget Work Session		
8	Other Related Meeting Documents		

**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.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

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BILL: SB 436

INTRODUCER: Senator Storms

SUBJECT: Video Voyeurism

DATE: January 13, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	<b>Favorable</b>
2.	Sneed	Sadberry	BJA	<b>Pre-meeting</b>
3.			BC	
4.				
5.				
6.				

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**I. Summary:**

This bill increases video voyeurism offenses that are currently first degree misdemeanors to third degree felonies, and increases current third degree felony video voyeurism offenses to second degree felonies. It also specifies that the interior of a residential dwelling is a place where a person has a reasonable expectation of privacy.

This bill substantially amends section 810.145 of the Florida Statutes.

**II. Present Situation:**

**Video Surveillance and Voyeurism**

Video voyeurism is the unlawful use of an imaging device to surreptitiously observe another person. The practice is most often associated with a sexual motive, such as using a cell phone camera to take pictures beneath women's skirts in a shopping area or installing hidden cameras in a changing area.

In 2004, the federal government passed the Video Voyeurism Prevention Act of 2004<sup>1</sup> in order to "protect the privacy of individuals from the surreptitious use of hidden surveillance equipment that captures an individual's image."<sup>2</sup> The Act makes it a misdemeanor for a person to

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<sup>1</sup> 18 U.S.C. s. 1801. The Act applies only within the special maritime and territorial jurisdiction of the United States, so does not conflict with state law.

<sup>2</sup> Kristin M. Beasley, *Up-Skirt and Other Dirt: Why Cell Phone Cameras and Other Technologies Require a New Approach to Protecting Personal Privacy in Public Places*, 31 S. ILL. U. L.J. 69, 88 (2006) (quoting H.R. Rep. No. 08-504, at 5, as reprinted in 2004 U.S.C.C.A.N. 3292, 3294-95).

intentionally capture an image of a private area of another person without his or her consent under circumstances in which the other person has a reasonable expectation of privacy. All states have criminal statutes that address video voyeurism in some form.

### **Florida's Video Voyeurism Statute**

Florida law forbids video voyeurism if a person uses or installs an imaging device to secretly view, broadcast or record another person for “amusement, entertainment, sexual arousal, gratification, or profit,” or to degrade or abuse that person. The original s. 810.145, F.S., was enacted in 1984 and created misdemeanor video voyeurism offenses. The statute was amended in 2008 to elevate certain video voyeurism offenses committed against children to felonies.

An offender commits the misdemeanor offense of video voyeurism by:

- Intentionally using or installing an imaging device to secretly view, broadcast, or record a person who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy, for the offender’s own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.<sup>3</sup>
- Intentionally permitting the use or installation of an imaging device to secretly view, broadcast, or record a person as stated above, but for the amusement, entertainment, sexual arousal, gratification, or profit of another person.<sup>4</sup>
- Intentionally using an imaging device to secretly view, broadcast, or record under or through another person’s clothing in order to view that person’s body or undergarments, for the amusement, entertainment, sexual arousal, gratification, or profit of either the offender or another person.<sup>5</sup>
- Committing the offense of “video voyeurism dissemination”<sup>6</sup> and “commercial video voyeurism dissemination”<sup>7</sup> for distributing a video or image with knowledge or reason to believe that it was created as a result of video voyeurism.

A first-time violation of any of these provisions is a first-degree misdemeanor, punishable by a term of imprisonment not exceeding one year and a fine of not more than \$1,000. If the offender has previously been convicted of or adjudicated delinquent for any violation of the section, the penalty is enhanced to a third-degree felony, punishable by imprisonment for up to five years and a fine of not more than \$5,000.

There are three felony video voyeurism offenses in addition to those that result from enhancement of the penalty for repeat misdemeanor video voyeurism. Conviction of these offenses requires additional elements of proof:

- Section 810.145(8)(a)1., F.S., applies when the offender was 18 years of age or older, the victim was under the age of 16, and the offender was responsible for the welfare of the

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<sup>3</sup> Section 810.145(2)(a), F.S.

<sup>4</sup> Section 810.145(2)(b), F.S.

<sup>5</sup> Section 810.145(2)(c), F.S.

<sup>6</sup> Section 810.145(3), F.S.

<sup>7</sup> Section 810.145(4), F.S.

victim. Persons who are responsible for a child's welfare would include coaches, teachers, scout leaders, parents, guardians, babysitters, and those with similar relationships to the child.<sup>8</sup>

- Section 810.145(8)(a)2., F.S., applies when the offender was 18 years old or older, was employed at a public or private K-12 school or a voluntary pre-K program, and the victim was a student at the school or program.
- Section 810.145(8)(a)3., F.S., applies when the offender was 24 years of age or older and the victim was under the age of 16.

These offenses are third-degree felonies, which are punishable by imprisonment for up to five years and a fine of not more than \$5,000. If the offender has previously been convicted of or adjudicated delinquent for any form of video voyeurism, these offenses are second-degree felonies, punishable by imprisonment for up to 15 years and a fine of not more than \$10,000.

The statute includes exceptions to ensure that it does not criminalize legitimate law enforcement surveillance, or security surveillance devices if a notice is posted or if the device is clearly and immediately obvious. There is also an exception for Internet service providers who do not exercise control over user content.<sup>9</sup>

During Fiscal Year 2010-2011, six persons were convicted of misdemeanor video voyeurism<sup>10</sup> and three persons were placed on community supervision as the result of being convicted of felony video voyeurism.<sup>11</sup>

### **III. Effect of Proposed Changes:**

The bill elevates video voyeurism offenses that are currently first degree misdemeanors to third degree felonies. This means that persons convicted of these offenses could be sentenced to incarceration in state prison or felony community supervision for up to five years.<sup>12</sup> Currently, such offenders can only be sentenced to incarceration in the county jail or misdemeanor probation for up to one year.

The bill also increases current third degree felony video voyeurism offenses to second degree felonies. This increases the maximum sentence from five years to fifteen years in prison, and increases the maximum fine from \$5,000 to \$10,000.

Finally, s. 810.145(1)(c), F.S., currently defines a "place and time when a person has a reasonable expectation of privacy" as:

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<sup>8</sup> See ss. 39.01(46) and 827.01, F.S.; *P.N. v. Dep't of Health & Rehabilitative Servs.*, 562 So. 2d 810, 811 (Fla. 2d DCA 1990).

<sup>9</sup> Section 810.145(5), F.S.

<sup>10</sup> Information from the Florida Department of Law Enforcement provided to committee staff by the Office of Economic & Demographic Research, e-mail dated November 30, 2011.

<sup>11</sup> Department of Corrections Analysis of Senate Bill 436.

<sup>12</sup> The court can also impose a split sentence that includes both incarceration and community supervision up to a total of five years.

“a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person’s undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a bathroom, changing room, fitting room, dressing room, or tanning booth.”

The bill amends this definition to specifically list the interior of a residential dwelling. Because the definition provides that it is not limited to the listed examples, specific inclusion of the “interior of a residential dwelling” should not change application of the law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

The Criminal Justice Impact Conference (CJIC) has not yet projected the impact that the bill would have on prison beds. However, because of the low volume of convictions in previous years it is anticipated that CJIC will find the fiscal impact to be insignificant or indeterminate.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Storms

10-00488-12

2012436

A bill to be entitled

An act relating to video voyeurism; amending s.

810.145, F.S.; revising the definition of the term

"place and time when a person has a reasonable

expectation of privacy" to include the interior of a

residential dwelling; increasing the classification of

specified video voyeurism offenses; amending s.

921.0022, F.S.; ranking a violation of s.

810.145(8)(b), F.S., above its default value for

purposes of the offense severity ranking chart of the

Criminal Punishment Code; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) and subsections (6), (7), and (8) of section 810.145, Florida Statutes, are amended to read:

810.145 Video voyeurism.—

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

(c) "Place and time when a person has a reasonable expectation of privacy" means a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.

(6) Except as provided in subsections (7) and (8), a person who violates this section commits a felony ~~misdemeanor~~ of the

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~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(7) A person who violates this section and who has previously been convicted of or adjudicated delinquent for any violation of this section commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(a) A person who is:

1. Eighteen years of age or older who is responsible for the welfare of a child younger than 16 years of age, regardless of whether the person knows or has reason to know the age of the child, and who commits an offense under this section against that child;

2. Eighteen years of age or older who is employed at a private school as defined in s. 1002.01; a school as defined in s. 1003.01; or a voluntary prekindergarten education program as described in s. 1002.53(3)(a), (b), or (c) and who commits an offense under this section against a student of the private school, school, or voluntary prekindergarten education program; or

3. Twenty-four years of age or older who commits an offense under this section against a child younger than 16 years of age, regardless of whether the person knows or has reason to know the age of the child

commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who violates this subsection and who has previously been convicted of or adjudicated delinquent for any

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 violation of this section commits a felony of the second degree,  
 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (f) of subsection (3) of section  
 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking  
 chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	
784.041	3rd	Felony battery; domestic battery by strangulation.	
784.048(3)	3rd	Aggravated stalking; credible threat.	
784.048(5)	3rd	Aggravated stalking of person under 16.	
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	
784.081(2)	2nd	Aggravated assault on specified official or employee.	
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	
784.083(2)	2nd	Aggravated assault on code inspector.	
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	

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84 790.115(2)(d) 2nd Discharging firearm or weapon on school  
property.

85 790.161(2) 2nd Make, possess, or throw destructive  
device with intent to do bodily harm or  
damage property.

86 790.164(1) 2nd False report of deadly explosive, weapon  
of mass destruction, or act of arson or  
violence to state property.

87 790.19 2nd Shooting or throwing deadly missiles  
into dwellings, vessels, or vehicles.

88 794.011(8)(a) 3rd Solicitation of minor to participate in  
sexual activity by custodial adult.

89 794.05(1) 2nd Unlawful sexual activity with specified  
minor.

90 800.04(5)(d) 3rd Lewd or lascivious molestation; victim  
12 years of age or older but less than  
16 years; offender less than 18 years.

91 800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18  
years of age or older.

92 806.031(2) 2nd Arson resulting in great bodily harm to

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93 firefighter or any other person.

810.02(3)(c) 2nd Burglary of occupied structure; unarmed;  
no assault or battery.

94 810.145(8)(b) 2nd Video voyeurism; certain minor victims;  
2nd or subsequent offense.

95 812.014(2)(b)1. 2nd Property stolen \$20,000 or more, but  
less than \$100,000, grand theft in 2nd  
degree.

96 812.014(6) 2nd Theft; property stolen \$3,000 or more;  
coordination of others.

97 812.015(9)(a) 2nd Retail theft; property stolen \$300 or  
more; second or subsequent conviction.

98 812.015(9)(b) 2nd Retail theft; property stolen \$3,000 or  
more; coordination of others.

99 812.13(2)(c) 2nd Robbery, no firearm or other weapon  
(strong-arm robbery).

100 817.034(4)(a)1. 1st Communications fraud, value greater than  
\$50,000.

101 817.4821(5) 2nd Possess cloning paraphernalia with  
intent to create cloned cellular

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telephones.

825.102(1) 3rd Abuse of an elderly person or disabled adult.

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103(2)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

827.03(1) 3rd Abuse of a child.

827.03(3)(c) 3rd Neglect of a child.

827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

836.05 2nd Threats; extortion.

836.10 2nd Written threats to kill or do bodily injury.

843.12 3rd Aids or assists person to escape.

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847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

944.40 2nd Escapes.

944.46 3rd Harboring, concealing, aiding escaped prisoners.

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional

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facility.

951.22(1) 3rd Intoxicating drug, firearm, or weapon  
introduced into county facility.

Section 3. This act shall take effect July 1, 2012.

**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.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

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BILL: CS/SB 202

INTRODUCER: Children and Families Committee and Senator Flores

SUBJECT: Sexual Exploitation

DATE: January 13, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Farmer	CF	<b>Fav/CS</b>
2.	Sneed	Sadberry	BJA	<b>Pre-meeting</b>
3.			BC	
4.				
5.				
6.				

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**Please see Section VIII. for Additional Information:**

- |                              |                          |   |
|------------------------------|--------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/> | Technical amendments were recommended   |
|                              | <input type="checkbox"/> | Amendments were recommended             |
|                              | <input type="checkbox"/> | Significant amendments were recommended |

**I. Summary:**

The bill creates the “Florida Safe Harbor Act” intended to provide a more coordinated response to address the child welfare service needs of sexually exploited children.

Specifically, the bill:

- Provides legislative findings and intent and establishes legislative goals relating to the status and treatment of sexually exploited children in the dependency system;
- Amends the definitions of the terms “child who is found to be dependent” and “sexual abuse of a child” to reference sexual exploitation;
- Provides the option for a law enforcement officer who takes a child for whom there is probable cause to believe that he or she has been sexually exploited into custody to deliver the child to a short-term safe house, if one is available;
- Provides for a rebuttable presumption that placement of a child in a short-term safe house, who is alleged to have been sexually exploited, is necessary;
- Provides a process for the assessment and placement of sexually exploited children in a safe house, if available; provides for placement updates to the court during judicial review hearings; requires the establishment of special permanency teams; and, provides for data collection relating to these placements by the Department of Children and Family Services (DCF or department);

- Provides definition for the terms: “child advocate,” “safe house,” “secure,” “sexually exploited child” and “short-term safe house”;
- Provides for services for sexually exploited children residing in a safe house;
- Increases the civil penalty for crimes related to prostitution from \$500 to \$5,000 and provides for the increase to be paid to the department to be used to fund safe houses and short-term safe houses; and,
- Provides that a victim of child sexual exploitation shall not be ineligible for victim compensation.

This bill substantially amends ss. 39.001, 39.01, 39.401, 39.402, 39.521, 796.07, 960.065, and 985.115 and creates ss. 39.524 and 409.1678 of the Florida Statutes.

## II. Present Situation:

### Background

The United Nations defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons by improper means such as force, abduction, fraud, or coercion for an improper purpose including forced labor or sexual exploitation. The U.S. Government defines severe forms of human trafficking as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.<sup>1</sup>

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.

While the annual Trafficking in Persons report addresses three main types of exploitation of children,<sup>2</sup> the National Center for Missing and Exploited Children states that there are many types of sexual exploitation involving children, including:

- Possession, manufacture, and distribution of child pornography;
- Child prostitution;
- Sex tourism involving children;
- Extra-familial child sexual molestation;
- Online enticement of children for sexual acts;
- Unsolicited obscene material sent to a child;
- Misleading domain names; and,
- Misleading words or digital images on the internet.<sup>3</sup>

<sup>1</sup> Trafficking Victims Protection Act of 2000, Public Law No. 106-386.

<sup>2</sup> Those include child sex trafficking, forced child labor and child soldiers. U.S. Department of State, Trafficking in Persons Report 2011. Retrieved December 2, 2011, from <http://www.state.gov/g/tip/rls/tiprpt/2011/>.

<sup>3</sup> National Center for Missing and Exploited Children. Exploited Children Division. Retrieved December 2, 2011, from [http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en\\_US&PageId=218](http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=218).

The United States not only faces an influx of international victims of sex trafficking, but also has its own problem of interstate sex trafficking of minors. While comprehensive research to document the number of children engaged in prostitution in the United States is lacking, it is estimated that about 293,000 American youth are currently at risk of becoming victims of commercial sexual exploitation.<sup>4</sup> The majority of American victims of commercial sexual exploitation tend to be runaway or thrown away youth who live on the streets and become victims of prostitution.<sup>5</sup> These children generally come from homes where they have been abused, or from families that have abandoned them, and often become involved in prostitution as a way to support themselves financially or to get the things they want or need.<sup>6</sup>

Other young people are recruited into prostitution through forced abduction, pressure from parents, or through deceptive agreements between parents and traffickers.<sup>7</sup> Once these children become involved in prostitution, they are often forced to travel far from their homes and as a result are isolated from their friends and family.<sup>8</sup> Few children in this situation are able to develop new relationships with peers or adults other than the person who is victimizing them.<sup>9</sup> The lifestyle of such children revolves around violence, forced drug use and constant threats.<sup>10</sup>

Among children and teens living on the streets in the United States, involvement in commercial sex activity is a problem of epidemic proportion. Approximately 55% of street girls engage in formal prostitution.<sup>11</sup> Of the girls engaged in formal prostitution, about 75% worked for a pimp. Pimp-controlled commercial sexual exploitation of children is linked to escort and massage services, private dancing, drinking and photographic clubs, major sporting and recreational events, major cultural events, conventions, and tourist destinations.<sup>12</sup> About one-fifth of these children become entangled in nationally organized crime networks and are trafficked nationally. They are transported around the United States by a variety of means – cars, buses, vans, trucks or planes, and are often provided counterfeit identification to use in the event of arrest.<sup>13</sup> The average age at which girls first become victims of prostitution is 12-14. It is not only the girls on the streets that are affected. For boys and transgender youth, the average age of entry into prostitution is 11-13.<sup>14</sup>

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<sup>4</sup> Estes, R.J. and Weiner, N.A. *Commercial Sexual Exploitation of Children in the U.S, Canada and Mexico*, University of Pennsylvania, 2002. Retrieved December 2, 2011 from

[http://www.sp2.upenn.edu/restes/CSEC\\_Files/Exec\\_Sum\\_020220.pdf](http://www.sp2.upenn.edu/restes/CSEC_Files/Exec_Sum_020220.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> U.S. Department of Justice, Child Exploitation and Obscenity Section. Domestic Sex Trafficking of Minors. Retrieved December 3, 2011 from <http://www.justice.gov/criminal/ceos/prostitution.html>. Also see Miko, F.T. *Trafficking in Women and Children: The U.S. and International Response*, (Updated July 7, 2006). Retrieved December 3, 2011, from <http://www.usembassy.it/pdf/other/RL30545.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Estes, R.J. and Weiner, N.A. *Commercial Sexual Exploitation of Children in the U.S, Canada and Mexico*, University of Pennsylvania, 2002. Retrieved December 2, 2011 from

[http://www.sp2.upenn.edu/restes/CSEC\\_Files/Exec\\_Sum\\_020220.pdf](http://www.sp2.upenn.edu/restes/CSEC_Files/Exec_Sum_020220.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*



## **National Center for Missing and Exploited Children**

The National Center for Missing & Exploited Children (NCMEC) was started in 1984 as a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice to serve as the national resource center and clearinghouse on missing and exploited children. NCMEC operates the national missing children's hotline, which has handled more than 2.4 million calls for service. NCMEC also operates the Congressionally-mandated CyberTipline, the "911 for the Internet," which has handled more than 793,900 reports of child sexual exploitation, and operates the Child Victim Identification Program, which has reviewed more than 31 million child pornography images and videos in order to identify and rescue child victims, and has disseminated more than 22,000 reports to prosecutors in support of their cases against child sexual predators. With regard to child prostitution and trafficking specifically, the center has received 8,408 leads and reports from the public through the CyberTipline, including 1,703 reports of known missing children being prostituted.<sup>15</sup>

In June 2003, the FBI in conjunction with the Department of Justice's Child Exploitation and Obscenity Section and NCMEC launched the Innocence Lost National Initiative. Combined efforts were aimed at addressing the growing problem of domestic sex trafficking of children in the U. S. In the seven years since its inception, the initiative has resulted in the development of 39 dedicated task forces and working groups throughout the U.S. involving federal, state and local law enforcement agencies working in tandem with U.S. Attorney's Offices.<sup>16</sup>

To date, these groups have worked successfully to rescue nearly 1,200 children. Investigations have successfully led to the conviction of more than 600 pimps, madams, and their associates who exploit children through prostitution. These convictions have resulted in lengthy sentences including multiple 25-year-to-life sentences and the seizure of real property, vehicles, and monetary assets.<sup>17</sup>

## **Federal Law**

In October 2000, the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA)<sup>18</sup> made human trafficking a federal crime and made certain victims of a severe form of human trafficking<sup>19</sup> eligible for federally funded or administered benefits and services to the same extent as refugees. Prior to that, no comprehensive federal law existed to protect victims of trafficking or to prosecute their traffickers. The VTVPA was reauthorized and amended in

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<sup>15</sup> Statement Of Ernie Allen, President & CEO, The National Center For Missing & Exploited Children, to the Congressional Human Trafficking Caucus. *Child Sex Trafficking in America*. February 18, 2010

<sup>16</sup> Federal Bureau of Investigation. Innocence Lost National Initiative, Retrieved December 3, 2011, from [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost).

<sup>17</sup> *Id.*

<sup>18</sup> Victims of Trafficking and Violence Protection Act of 2000. Public Law No. 106-386.

<sup>19</sup> *Id.*

2003.<sup>20</sup> Effective December 2003, the act extended the eligibility for federally-funded or administered benefits and services to certain family members of victims.

To be eligible for benefits and services, an individual must be certified as a victim of a severe form of human trafficking. The U.S. Department of Health and Human Services, Administration for Children & Families (ACF), Office of Refugee Resettlement (ORR) is the federal agency responsible for certifying trafficking victims. To receive certification, victims of trafficking must be willing to assist with the investigation and prosecution of traffickers. In addition, they must have completed a bona fide application for a T-Visa or they must have been granted continued presence status by U.S. Citizenship and Immigration Services for the purpose of contributing to the prosecution of the traffickers.<sup>21</sup>

Children under 18 years of age who have been subjected to a severe form of trafficking do not need to be certified to receive benefits; ORR will issue a letter declaring them victims of a severe form of trafficking. The ORR provides information to state and local governments and service providers on the requirements for certification, the documents that victims of severe forms of trafficking are issued, and, the procedures agencies should follow in confirming eligibility for benefits.<sup>22</sup>

## **Florida Law**

### ***Criminal Law***

Florida law defines “prostitution” as the giving or receiving of the body for sexual activity for hire but, excludes sexual activity between spouses.<sup>23</sup> Current law also provides that:

- Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge that, as a consequence of the sale or transfer, the minor will engage in prostitution, perform naked for compensation, or otherwise participate in the trade of sex trafficking, commits a felony of the first degree.<sup>24</sup>
- Any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a felony of the second degree. A person commits a felony of the first degree if the offense of sex trafficking is committed against a person who is under the age of 14 or if such offense results in death.<sup>25</sup>

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<sup>20</sup> Trafficking Victims Protection Reauthorization Act of 2003. Public Law No. 108-193.

<sup>21</sup> U.S. Department of Health and Human Services. Administration for Children and Families. Certification for Victims of Trafficking. Retrieved December 3, 2011 from [http://www.acf.hhs.gov/trafficking/about/cert\\_victims.pdf](http://www.acf.hhs.gov/trafficking/about/cert_victims.pdf).

<sup>22</sup> *Id.*

<sup>23</sup> s. 796.07, F.S.

<sup>24</sup> s. 796.035, F.S.

<sup>25</sup> s. 796.045, F.S.

In addition, there are a number of provisions in current law relating to penalties for crimes involving sexually related crimes and children, including, but not limited to:

- It is a second degree felony to procure a minor for prostitution or cause the minor to be prostituted;<sup>26</sup>
- It is a first degree misdemeanor to commit any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of services;<sup>27</sup>
- It is a second degree felony for any person who, knowing the character and content thereof, employs, authorizes, or induces a minor to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. It is also a second degree felony for any person who, knowing the character and content thereof, to produce, direct, or promote any performance which includes sexual conduct by a child less than 18 years of age;<sup>28</sup>
- It is first degree felony for any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of the minor, or offers to sell or otherwise transfer custody of the minor, either: (1) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or (2) with intent to promote either the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct or the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; and,<sup>29</sup>
- A person who encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits a second degree felony.<sup>30</sup>

## ***Children***

### ***Dependent Child***

The purposes of Chapter 39, F.S., proceedings relating to children, include, but are not limited to:

- Providing for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; to promote the health and well-being of all children under the state's care; and to prevent the occurrence of child abuse, neglect, and abandonment;
- Preserving and strengthening the child's family ties whenever possible, removing the child from parental custody only when his or her welfare cannot be adequately safeguarded without such removal; and,

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<sup>26</sup> s. 796.03, F.S.

<sup>27</sup> s. 827.04, F.S.

<sup>28</sup> s. 827.071, F.S.

<sup>29</sup> s. 847.0145, F.S.

<sup>30</sup> s. 800.04, F.S.

- Securing for the child, when removal of the child from his or her own family is necessary, custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to ensure, in all cases in which a child must be removed from parental custody, that the child is placed in an approved relative home, licensed foster home, adoptive home, or independent living program that provides the most stable and potentially permanent living arrangement for the child, as determined by the court. All placements shall be in a safe environment where drugs and alcohol are not abused.<sup>31</sup>

Florida law defines a “child who is found to be dependent” as a child who is found by the court:

- To have been abandoned, abused, or neglected by the child's parent or parents or legal custodians;
- To have been surrendered to the department, the former HRS, or a licensed child-placing agency for purpose of adoption;
- To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former HRS, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;
- To have no parent or legal custodians capable of providing supervision and care; or
- To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians.<sup>32</sup>

In addition, current Florida law addresses the needs of immigrant children who may be eligible for special immigrant juvenile status under federal law and who are defined as a child who:

- Has been found dependent based on allegations of abuse, neglect, or abandonment;
- Is eligible for long-term foster care;
- Will have his or her best interest served by remaining in the United States; and,
- Remains under the jurisdiction of the juvenile court.<sup>33</sup>

#### *Child in Need of Services (CINS)*

Current Florida law defines a "child in need of services" as a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice (DJJ) or the DCF for an adjudication of dependency or delinquency. The child must also, under this chapter, be found by the court:

- To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies

<sup>31</sup> s. 39.001, F.S.

<sup>32</sup> s. 39.01(15), F.S.

<sup>33</sup> s. 39.5075, F.S.

- to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by DJJ or DCF;
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation under ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by DJJ or DCF; or
  - To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.<sup>34</sup>

### *Delinquent Child*

Current Florida law defines a “child who has been found to have committed a delinquent act” as a child who is found by a court to have committed a violation of law or to be in contempt of court, except that this does not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding concerning a child or family in need of services.<sup>35</sup>

### *Current Placement Options in Florida*

**Foster Care** – The department licenses family foster homes to be used as placements for children who have been adjudicated dependent and cannot safely remain in their own homes. These are private residences in which children are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs.<sup>36</sup>

**Group Homes and Shelters** – The department also licenses residential child-caring agencies to be used as placements for dependent children. These placements provide staffed 24-hour care and include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth.<sup>37</sup>

**State Inpatient Psychiatric Placement (SIPP)** – SIPP services are provided to children under 18 years of age in an intensive residential setting and include: crisis intervention; bio-social and or psychiatric evaluation; close monitoring by staff; medication management; individual, family, and group therapy; and connection to community based services. These services are expected to be relatively short termed (less than six-months). Children must have a Diagnostic and Statistical Manual of Mental Disorders-IV (DSM-IV) diagnosis other than substance abuse, developmental disability, or autism. The youth must be expected to benefit from residential treatment and a less restrictive setting is not available.<sup>38</sup>

<sup>34</sup> ss. 984.03(9) and 985.03(7), F.S.

<sup>35</sup> ss. 984.03(11) and 985.03(8), F.S.

<sup>36</sup> s. 409.175(2)(e), F.S.

<sup>37</sup> s. 409.175(2)(j), F.S.

<sup>38</sup> Advocacy Center for Persons with Disabilities, Florida's Youth Inpatient Psychiatric Program. Retrieved December 3, 2011, from

***Children In Need of Services /Families in Need of Services (CINS/FINS)*** -CINS/FINS services are available for children and families for which services are needed but are not part of the formal delinquency or dependency systems. Currently DJJ has contracts for 28 youth shelters statewide. These shelter services are intended to be short-term, are primarily voluntary and include meeting the basic needs of the child and providing services, such as case management, and counseling. The purpose and function of the shelter is to provide respite from volatile family situations, to offer a safe place for children on the street and to work with the family for the child's safe return and improve family relationships. As a result of CINS petitions, the court may order the child to a longer stay in shelter-up to 120 days. There are 10 longer stay placements available statewide, one bed in each of 10 shelters, that have an additional youth care worker who provides one-to-one assistance and focus on the child's case plan. More intensive case management and counseling also occurs. These 10 placements are staff secure placements.<sup>39,40</sup>

Children who have been adjudicated dependent are not eligible for CINS/FINS services, therefore children in foster care would not be eligible for these services.<sup>41</sup>

***Physically Secure Placements*** - These placements are provided through independent rate agreements with adolescent/child mental health treatment facilities. However, in recent years, funding to this service has been dramatically reduced, resulting in fewer than 10 children served per year, with no room currently to house additional children. **In Florida, dependent children cannot be sheltered within a physically secure settings either long or short term.**<sup>42</sup>

***Criminal Justice Placement Options*** – The Department of Juvenile Justice maintains detention centers which are facilities used for the placement of children pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody.<sup>43</sup> Facilities are also available for the commitment of adjudicated delinquents and range from low-risk to maximum risk residential placements.<sup>44</sup>

## **Other States**

### ***Community-based initiatives***

#### ***The Prosecution Model***

Las Vegas, Nevada has one of the highest rates of teen prostitution in the U.S.,<sup>45</sup> and police arrest and detain hundreds of children on prostitution charges each year. In Las Vegas, arrest

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[http://advocacycenter.org/resources/disability\\_topic\\_info/category/floridas\\_youth\\_inpatient\\_psychiatric\\_program/](http://advocacycenter.org/resources/disability_topic_info/category/floridas_youth_inpatient_psychiatric_program/). Florida currently has 15 SIPP programs.

<sup>39</sup> ss. 984.225 and 984.226, F.S.

<sup>40</sup> Department of Children and Families Staff Analysis and Economic Impact, SB 202. September 15, 2011.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> s. 985.03(19), F.S.

<sup>44</sup> s. 985.03(45), F.S.

and detention are the primary means for linking prostituted girls to services and getting their pimps off the streets.<sup>46</sup> While prostitution is a misdemeanor in Nevada<sup>47</sup> and youths picked up for misdemeanors are not usually held in detention, juvenile justice officials believe that the practice of detaining child prostitutes is necessary to protect the girls from the dangers of the streets and to obtain information that will lead to the arrest of their pimps.<sup>48</sup>

In 1994, in collaboration with both governmental and nonprofit social service organizations, the Las Vegas Metropolitan Police Department started a program known as S.T.O.P. (Stop Turning Out Child Prostitutes) for the purposes of identifying, locating, arresting and prosecuting any individual responsible for pandering a child and to remove the child victim from the life of prostitution and provide them with an avenue to a successful life.<sup>49</sup>

- In Las Vegas, children involved in prostitution are picked up by police and charged with prostitution or status offenses. A special unit of vice officers who work for the S.T.O.P. program interview every child who is suspected of being involved in prostitution within a half-hour of the time the child is booked into detention to assess whether the child is a victim of commercial sexual exploitation. Vice officers have long had an agreement with the detention center to automatically detain juveniles arrested for prostitution on a “vice hold.”
- If a child is willing to leave the streets and cooperate in the prosecution of her pimp, the charge of prostitution is usually dropped and she is released from detention to a specialized program for victims of commercial sexual exploitation, such as Children of the Night<sup>50</sup> located in California.

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<sup>45</sup> Las Vegas Review-Journal. *Juvenile Prostitution: Trafficking in children on increase; Las Vegas among 14 U.S. cities where problem is most severe*. March 19, 2006. Retrieved December 3, 2011, from [http://www.reviewjournal.com/lvrj\\_home/2006/Mar-19-Sun-2006/news/6434154.html](http://www.reviewjournal.com/lvrj_home/2006/Mar-19-Sun-2006/news/6434154.html).

<sup>46</sup> The Barton Child Law and Policy Clinic, Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>47</sup> Nev. Rev Stat. s. 201.354 (2009).

<sup>48</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>49</sup> *Id.* It is unclear whether this program is still in existence.

<sup>50</sup> Children of the Night (COTN) is the oldest and appears to be one of the most influential treatment programs in the nation that works with children who are victims of prostitution. It is a private, non-profit program for children between the ages of 11 and 17 that receives referrals from governmental and non-governmental agencies across the country and only accepts those children whom it believes are willing to leave prostitution and participate in long-term, comprehensive treatment. COTN provides services that help children testify in cases against their pimps, as well as services that help them recover from commercial sexual exploitation. COTN’s treatment services are extensive and the secure residence is a comfortable, homelike environment with 24 beds. Upon arrival, children receive fresh clothing and hygiene kits and are assigned to a bedroom with bath. They meet with a caseworker to develop an individual life plan. The caseworker coordinates medical care, psychological care, academic assessments and other social services that the child needs. The children follow a highly structured program that includes attending an on-site school, where they study individually-tailored curricula that help them reach appropriate grade levels in all subjects before they leave COTN. They attend independent living classes, 12-step substance abuse meetings, and AIDS education classes, as well as craft and poetry workshops, yoga classes and varied sporting and recreational activities.

Because COTN is a purely voluntary, private program, a child may stay at the home for as long as she needs. Many opt to stay for a year for optimum treatment. Once she turns eighteen, the youth can receive assistance in leasing apartments, getting into college or trade school, or securing jobs. All those who leave COTN are considered “alumni” and can re-contact the

*Pros and Cons of the Prosecution Model*

Proponents of the prosecution model argue that, while it is not ideal to prosecute young girls who have been victimized by pimps, the ability to prosecute the girls is an essential tool in the fight against child prostitution. First, they believe arrest and detention is necessary to force prostituted children off the streets and link them to services. Second, they believe that the threat of prosecution, coupled with arrest and detention, is the only way to get most girls to cooperate in investigations of the pimps.<sup>51</sup>

Opponents believe that detention sends the message that the girls are criminals deserving of punishment, rather than victims of sexual exploitation in need of help, and that the increase in the use of detention for girls over the past decade has magnified longstanding problems within detention systems.<sup>52</sup>

The underlying assumptions of the prosecution model—that detention is helpful in keeping girls safe, providing services, and prosecuting pimps—remain unproven. While advocates of the prosecution model argue that detention increases the likelihood that girls will leave the streets and accept long-term treatment, independent, objective verification of this claim is needed. Additional research is also needed to determine whether girls are truly more likely to cooperate in the prosecution of their pimps when they are criminally charged than when they are not. Finally, by focusing on prostituted children who are arrested and detained, the prosecution model may allow children outside the juvenile justice system to fall through the cracks. At-risk children, as well as children who are already involved in prostitution, but have escaped arrest, may not receive the services they need. Youth-serving agencies that have contact with these children may be reluctant to identify them out of fear of subjecting the children to prosecution. Thus, even though the prosecution model allows authorities to force children off the streets who would not leave otherwise, a lack of inter-agency collaboration might actually result in fewer, rather than more, children being served.<sup>53</sup>

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group for services, such as free books and school supplies while they are in college, job recommendations, or crisis intervention. Children of the Night has existed since its inception through the sole support of private contributions from individuals, corporations, and foundations and runs on an annual budget of \$2 M. Retrieved December 3, 2011, from <http://www.childrenofthenight.org/index.html>.

<sup>51</sup> The Barton Child Law and Policy Clinic, Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>52</sup> Francine T. Sherman, Annie E. Casey Foundation, Detention Reform and Girls, *13 Pathways To Juvenile Detention Reform*, p. 10 (2005). Retrieved December 3, 2011, from [http://www.aecf.org/upload/publicationfiles/jdai\\_pathways\\_girls.pdf](http://www.aecf.org/upload/publicationfiles/jdai_pathways_girls.pdf).

<sup>53</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).



### *The Child Abuse Model*

In Boston, Massachusetts, children involved in prostitution are now being treated as victims of child abuse, rather than as perpetrators of a crime. Although prostitution by a child is still a crime in Massachusetts,<sup>54</sup> instead of pursuing prosecutions of these children, the District Attorney's Office is now working with more than 30 community-based and government agencies, including the state's child protective agency, juvenile justice services, law enforcement, health care providers and interested non-profit groups to create a model for dealing with prostituted children based on the model used for child abuse victims.<sup>55</sup>

In early 2000, the District Attorney's Office began to take steps toward providing better services to all victims of abuse, including child victims of prostitution, and better prosecution of their abusers. In 2001, it created the Teen Prostitution Prevention Project (TPPP) to foster collaboration among the key players involved in serving prostituted children in Suffolk County and "achieve prevention, intervention and prosecution of [adult] offenders." Drawing on a multidisciplinary model that has been successful in helping other victims of child abuse, the TPPP recognizes that collaboration between agencies is key to successfully diverting prostituted youth away from those who would exploit them.<sup>56</sup>

A memorandum of understanding signed by various Massachusetts branches of government and social service calls for the rapid referral of teen exploitation to the Department of Social Services - and subsequently to the district attorney's office - akin to the procedure for suspected neglect or abuse of a child. It also calls for treatment and services for the victim that are specifically intended to secure the victim's physical and emotional well-being.

As a result, when prosecutors receive a child prostitution case, they treat the child as a victim/witness rather than as a defendant. Prosecutors work as part of a multidisciplinary team to provide services to the child and, if the child is willing, to build a case against her pimp. Because they work from a child abuse model, they do not use threats of criminal charges to pressure the child to cooperate in the prosecution of her pimp or withhold services until she does.<sup>57</sup>

### *Pros and Cons of the Child Abuse Model*

One benefit that is already apparent in Boston is better identification of children involved in prostitution. By agreeing to treat prostituted children as victims rather than defendants, the District Attorney's Office appears to have strengthened its relationship with child welfare agencies. In 2007, it was reported that this new collaboration has led to a dramatic increase in

<sup>54</sup> Mass. Gen. Laws ch 272, s. 53A (2007).

<sup>55</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>56</sup> Suffolk County District Attorney's Office. *Teen Prostitution Prevention Project Named Among Top 50 Innovative Government Programs*. April 4, 2007. Retrieved December 3, 2011, from <http://www.mass.gov/dasuffolk/docs/4.4.07C.html>.

<sup>57</sup> In Boston, it is the filing of a mandatory child abuse reports that is the gateway to services for children victimized by commercial sexual exploitation. Like Florida, Massachusetts requires the reporting of suspected child abuse. Until recently, however, mandatory reporters were not filing reports when they suspected that a child was being prostituted. One of TPPP's ongoing initiatives has been to educate mandated reporters that prostitution creates "physical or emotional injury...which causes harm or substantial risk of harm to the child's health or welfare..." and thus is child abuse. See Mass. Gen. Laws ch. 119, s. 51A.

the number of child abuse cases involving prostituted teens. Before the collaborative initiative began, the state social services agency would rarely send cases to the district attorney because they were worried the girls would be prosecuted.<sup>58</sup>

One challenge of the child abuse model is that it can only serve children who want help. For the child abuse model to work, therefore, it requires strong education and outreach efforts, and a staff-secured safe house and treatment facility.<sup>59</sup> Because children involved in prostitution are not brought to services through arrest, they must be brought to services through education and outreach. The process of removing the pimp's psychological hold on the child must take place on the streets, rather than in a holding cell.<sup>60</sup>

Another concern with the child abuse model is that it may hinder the prosecution of pimps. Some argue that the threat of being prosecuted for prostitution is the only thing that will motivate many children to testify against their pimps. However, because the Boston model is so new, it may be too soon to know whether treating child prostitutes as victims rather than as offenders really results in fewer successful prosecutions of pimps.<sup>61</sup>

#### *The Hybrid Model*

San Francisco, like Las Vegas, uses arrest and detention as a way to remove prostituted children from the dangers of the street, link them to services, and build a case against their abusers. San Francisco differs, however, in that authorities have contracted with specialized community-based organizations to assess and counsel children who have been involved in prostitution while they are still in custody and upon their release. Because San Francisco relies on arrest and detention to bring children into the system, and couples that practice with a wide range of victim-centered services, it is referred to as a hybrid model.<sup>62</sup>

In the past, children who live in San Francisco and were arrested on prostitution charges were only detained if they had committed other crimes or violated their probation. In 2003, when a young victim of prostitution was murdered on the street after being released by police, authorities instituted a new protocol. Today, all children arrested on prostitution are detained "for their own safety."

Authorities use a procedure of "informal probation" by which they drop the charges against the child in exchange for the child's agreement to be held for up to 90 days and enter into probation. As part of her probation, the child must participate in gender-specific services provided by programs while in custody and after release that, according to the probation department, are "designed both to hold girls accountable for their actions but also to help them heal." One such program is offered by an organization known as Standing Against

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<sup>58</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>59</sup> *Id.* In keeping with the child abuse model, Boston's residential treatment facility will not be locked, but located far from the city with electronically monitored entrances and exits and round-the-clock staff who can discourage the children from leaving when the urge to run strikes.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

Global Exploitation (SAGE), a non-profit group founded by a prostitution survivor, staffed by prostitution survivors, and dedicated to serving victims of commercial sexual exploitation.<sup>63</sup>

In contrast to the Las Vegas detention model, this more victim-centered or “survivor-focused” model in San Francisco relies on peer counselors who are former prostitutes, rather than vice officers, to assess and counsel the girls while they are detained.<sup>64</sup> Children who are victims of commercial sexual exploitation continue to work with SAGE upon their release.

#### *The Benefits and Drawbacks of the Hybrid Model*

San Francisco’s hybrid model has many of the same drawbacks as the detention model used in Las Vegas. As mentioned earlier, detention of children who have been used by adults in the sex trade punishes the victim. The San Francisco model mitigates this problem by inserting a strong therapeutic element into the detention facility. The addition of these wraparound services may make San Francisco’s “hybrid” model better-suited to meeting the needs of child victims of prostitution than Las Vegas’ prosecution model.<sup>65</sup>

The San Francisco model, however, still struggles with the same problem faced in Boston through the use of the child abuse model: that of identifying child victims of prostitution who are not brought to attention through arrest.<sup>66</sup>

#### *Legislative initiatives*

Very few states<sup>67</sup> have enacted legislation relating to the sexual exploitation of children. However, New York has in recent years adopted two specific pieces of legislation designed to better protect and serve children who are victims of sexual exploitation:

- In June 2007, the New York State Legislature made many changes to New York law relevant to the commercial sexual exploitation of children, including defining the crime of sex trafficking without regard to the age of the victim; requiring anyone convicted of sex trafficking or attempted sex trafficking to register as a sex offender; requiring notification of social services for assessment if the victim is under the age of 18; and

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<sup>63</sup> SAGE website. Retrieved December 3, 2011, from <http://www.sagesf.org/>.

<sup>64</sup> In addition to its in-custody program, SAGE offers a number of other programs for prostituted youth, including an intensive case management program. Each girl works with a case manager to develop an individualized service plan with measurable objectives. The girls work with peer counselors in individual and group sessions, addressing such issues as sexual exploitation, relationships, neighborhood safety, substance abuse, anger management, vocational preparation, and communication. GED and computer training is available. Most girls participate in the program for between 6 and 14 months. SAGE also offers medical screening, vocational rehabilitation, a transgender program, and an arts collective and creative writing program. In 2005, SAGE opened a six-bed safe house to provide prostituted girls, ages 12 through 17, with a “safe, nurturing environment that specializes in trauma recovery.” SAGE accepts referrals from juvenile probation, as well as from the child protective services’ shelter, family courts, defense attorneys and others. Girls must be “interested in escaping prostitution.”

<sup>65</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>66</sup> *Id.*

<sup>67</sup> Illinois and California have enacted legislation related to the protection of children who are victims of sexual exploitation.

making victims of sex trafficking eligible for victim compensation funds. The legislation also created an interagency task force on human trafficking.<sup>68</sup>

- In June 2008, the New York Legislature enacted what is known as the Safe Harbor Act. The Safe Harbor Act allows for the presumption that a person under 16 years of age, who is charged as a juvenile delinquent for a prostitution offense, is a severely trafficked person. This presumption permits the child to avoid criminal charges of prostitution and instead be considered a “person in need of supervision.” The statute also provides support and services to sexually exploited youth who are under the age of 18. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify sexually exploited youth.<sup>69</sup>

While child advocates have praised New York’s Safe Harbor Act for its recognition of the specialized service needs of commercially sexually exploited children, critics allege that the statute is too narrowly drawn and will not cover all child victims of sexual exploitation, and that the commercial sexual exploitation of children has not been de-stigmatized by removing it from the definition of prostitution altogether. Also, while allowing courts to classify these children as persons in need of supervision rather than as delinquents, they can still be arrested and suffer the ill-effects of secure detention before that change in status is made.<sup>70</sup> Although the Safe Harbor legislation was enacted in June 2008, the April 1, 2010 effective date means it is too early to tell how effective it will be.<sup>71</sup>

### III. Effect of Proposed Changes:

The bill creates the Florida Safe Harbor Act in s. 39.001(4), F.S., to provide special care and services to all sexually exploited children in the dependency process.

#### **Legislative findings, intent, and establishment of goals for sexually exploited children –**

The bill provides that it is the intent of the legislature that children who are victims of sexual exploitation should be cared for through the dependency system rather than the delinquency system and that the state shall provide dependency services to all children not receiving comparable services under the federal Trafficking Victims Protection Act.

Lines 71-72 of the bill state that it is a goal of the legislature to provide for the treatment of sexually exploited children as dependent children rather than as delinquents. The prostitution of children occurs in a variety of contexts, including parents advertising and prostituting their children over the Internet, runaway and homeless children on city streets being recruited by pimps or engaging in “survival sex,” and drug pushers forcing addicted teenagers to prostitute themselves as a condition for receiving drugs or a place to stay. But also, acting on their own initiative or in the company of friends, young people may engage in casual or even

<sup>68</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

frequent prostitution for money or for adventure.<sup>72</sup> Children in the latter category may need intervention and services, but not as dependent children.

**Definitions** – The bill amends a number of definitions in chapter 39, F.S.:

- The term “child who is found to be dependent” is amended to include children that have been sexually exploited and have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care. The effect of this change will be to place children meeting those criteria within the dependency system.
- The term “sexual abuse of a child” is amended so that sexual exploitation includes the act of a child offering to engage in or engaging in prostitution or sexual acts. The definition is also amended to include participation in sex trafficking as an act of sexual exploitation of a child.

FDLE reported concerns relating to removing the “third party” requirement for exploitation:

New language adding "the act of a child offering to engage in or engaging in prostitution; or" at lines 209-211 should be removed to retain current law's requirements that sexual exploitation of a child includes "allowing, encouraging, or forcing" of the child to engage in the behavior – that there is the involvement of another in causing the child to engage in prostitution behavior. The proposed change assumes every minor engaged in sexual conduct is doing it as a result of exploitation and as noted earlier, there is no consensus of opinion among Florida law enforcement that this is always the case. Including "the act of a child offering to engage in or engaging in prostitution" with no restrictions, modifications or limitations removes discretion from law enforcement to treat each case individually and brings all prostitution activity by a child into the "protected status" for sexual exploitation.<sup>73</sup>

Children are adjudicated dependent as a result of action or inaction on the part of a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in ch. 39, F.S. Including "the act of a child offering to engage in or engaging in prostitution" in the definition of “sexual abuse of a child” removes a caregiver as perpetrator and in so doing creates an inconsistency in the Florida dependency system.

**Delivery to a short-term safe house** – The bill provides the option for a law enforcement officer who takes a child alleged to be dependent into custody to deliver a child for whom

<sup>72</sup> Finkelhor, D. and Ormrod, R. *Delinquency Prevention. Prostitution of Juveniles: Patterns From NIBRS*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. June 2004. Retrieved December 2, 2011, from <http://www.ncjrs.gov/pdffiles1/ojjdp/203946.pdf>. Also see Rasmusson, A. (1999). *Commercial Sexual Exploitation of Children: A Literature Review*. Minneapolis, MN: The Alliance for Speaking Truths on Prostitution and The Center for Urban and Regional Affairs. Retrieved December 3, 2011, from <http://www.adultssavingkids.org/LitRev.html>.

<sup>73</sup> Florida Department of Law Enforcement. Analysis for HB 99, August 19, 2011. SB 202 is identical to HB 99.

there is probable cause to believe he or she has been sexually exploited to a short-term safe house if one is available.

**Shelter placement** – The bill creates a rebuttable presumption that placement of a sexually exploited child in a short-term safe house is necessary. The bill requires DCF, at the hearing to continue shelter care, to establish probable cause that the child has been sexually exploited, and that placement in a short-term safe house is the most appropriate placement. The bill also adds the fact that a child has been sexually exploited to the list of conditions which show reasonable efforts by DCF to prevent or eliminate the need for removal of the child from the home. (Similar changes are made to provisions relating to disposition hearings).

The change related to reasonable efforts would appear to mean that a sexually exploited child would be placed in shelter regardless of any additional circumstances in his or her home.

**Safe-harbor placement** – The bill creates a new section of law relating to safe-harbor placement. The section requires any child 6 years of age or older who has been found to be a victim of sexual exploitation to be assessed for placement in a safe house, and if such placement is determined to be appropriate, the child shall be so placed, if a safe house is available. A definition for the term “available” is provided. The section also provides for:

- Criteria to be included in the initial assessment for placement;
- Information relating to the placement to be included in each judicial review;
- Special permanency teams to be established to work with these children;
- Specific data to be maintained related to referrals for safe house placement; and,
- An annual report to the legislature related to placement of sexually exploited children;

**Safe harbor for sexually exploited children** – The bill also creates a new section of law relating to safe harbor for children who are victims of sexual exploitation. Specifically, the section:

- Creates a definition for “child advocate” to mean an employee of a short term safe house who has been trained to work with and advocate for sexually exploited children;
- Creates definitions for the terms “safe house” and “short-term safe house.” Both facilities would be required to be operated by a licensed residential child-caring agency under s. 409.175, F.S. A “safe house” differs from a “short-term safe house” in that the former has gender specific and separate living quarters for sexually exploited children who have been adjudicated dependent or delinquent and need to reside in a secure facility with 24-hour-awake staff.
- Creates a definition for the term “sexually exploited child” to mean a dependent child who has suffered sexual abuse and who is ineligible for services under the federal Trafficking Victims Protection Act;
- Creates a definition for the term “secure” to mean that a child is supervised 24 hours a day by staff members who are awake while on duty;
- Requires every circuit of the department to address the child welfare service needs of sexually exploited children as a component of the circuit’s master plan. This determination shall be made in consultation with local law enforcement, runaway and homeless youth program providers, local probation departments, local community-based

- care and social services, local guardians ad litem, public defenders, state attorney's offices, and child advocates and services providers who work directly with sexually exploited youth;
- Requires the lead agency, not-for-profit agency, or local government entity that is providing safe-house services to be responsible for security, crisis intervention services, general counseling and victim-witness counseling, a comprehensive assessment, residential care, transportation, access to behavioral health services, recreational activities, food, clothing, supplies, infant care, and miscellaneous expenses associated with caring for these children; for necessary arrangement for or provision of educational services, including life skills services and planning services to successfully transition residents back to the community; and for ensuring necessary and appropriate health and dental care;
  - Does not prohibit the safe house provider from billing Medicaid for services rendered, from contracting with local school districts for services, or from obtaining funding from additional sources;
  - Provides that the lead agency, not-for-profit agency, or local government entity providing safe-house services has the legal authority for children served in a safe-house program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to cosign loans and insurance for the child, to sign for medical treatment of the child, and to authorize other such activities;
  - Requires that all of the services created under this section may, to the extent possible provided by law, be available to all sexually exploited children whether they are accessed voluntarily, as a condition of probation, through a diversion program, through a proceeding under chapter 39, or through a referral from a local community-based care or social service agency; and
  - Provides that the local circuit administrator **may**, to the extent that funds are available, in conjunction with local law enforcement officials, contract with an appropriate not-for-profit agency having experience working with sexually exploited children to train law enforcement officials who are likely to encounter sexually exploited children in the course of their law enforcement duties on the provisions of this section and how to identify and obtain appropriate services for sexually exploited children.

The creation of the definition for the term "secure" to mean that a child is supervised 24 hours a day by staff members who are awake while on duty is problematic.

24 hour-awake staff is not currently part of the department's operations for children unless they are housed due to mental health or substance abuse issues. **In addition, children who are adjudicated dependent cannot be sheltered within a physically secure setting either long or short term in Florida.**<sup>74</sup>

In addition, a recent Florida District Court of Appeal opinion held that a dependent child cannot be placed in secure detention for his or her own best interest. This ruling would suggest that safe house placement would not be an option for these children.<sup>75</sup>

<sup>74</sup> Department of Children and Families. Staff Analysis and Economic Impact. SB 202. September 15, 2011.

<sup>75</sup> *J.J. v. State of Florida*. 2010 WL 1222667 (Fla.App. 3 Dist.).



The permissive language relating to law enforcement training could be problematic. It is generally agreed upon that one of the most important facets of efforts to successfully work with children who are victims of sexual exploitation is adequate training of all disciplines involved:

Lois Lee, founder and president of Children of the Night, endorses the Las Vegas prosecution model and works closely with Las Vegas police and juvenile probation. However, while she believes detention is an appropriate way to get children off the streets and improve prosecution of pimps, she notes that the **model only works if the police are specially trained**, honest and compassionate—as she believes is the case in Las Vegas—and the charge of prostitution is eventually dropped, and the child linked to services. In her words, COTN is the “carrot” and law enforcement is the “stick” that leads to the arrest of “vile pimps that force the children to prostitution for food and a place to sleep.”<sup>76</sup>

A model state law drafted by the Freedom Network<sup>77</sup> includes the following provision: **Training** shall be made available in all relevant local and state agencies, including, but not limited to, healthcare, hospital, law enforcement, labor, agriculture, housing, and social service, to educate officials on:

- The phenomenon of human trafficking, state and federal laws on human trafficking, the rights and needs of trafficked persons, and the tools necessary to provide effective services to trafficked persons;
- How to recognize and identify trafficking victims;
- Methods for protecting trafficking victims and advising them of their rights; and
- Procedures and techniques for handling specialized needs of victims who may face cultural, language and other barriers that impede ability to request and obtain available services.<sup>78</sup>

<sup>76</sup> The Barton Child Law and Policy Clinic. Emory University School of Law, *Commercial Exploitation of Children in Georgia: Service delivery and legislative recommendations for state and local policy makers*. January 2008. Retrieved December 3, 2011, from [http://bartoncenter.net/uploads/fall2011updates/status\\_other/CSEC-recs-for-policy-makers.pdf](http://bartoncenter.net/uploads/fall2011updates/status_other/CSEC-recs-for-policy-makers.pdf).

<sup>77</sup> The Freedom Network USA established in 2001 is a coalition of 25 non-governmental organizations that provide services to, and advocate for the rights of, trafficking survivors in the United States. Their mission is to ensure that trafficked persons are treated as victims and not criminals, are able to have full access to justice, including the right to full compensation and restitution from the traffickers, and are provided with access to linguistically-appropriate and culturally-sensitive, victim-centered social, mental health, medical, legal, educational, vocational and other services and to increase public awareness of the crime of trafficking through education, research, **training** and community outreach and organizing for the purpose of preventing trafficking and supporting the rights of trafficked persons.

<sup>78</sup> State Model Law on Protection for Victims of Human Trafficking. Retrieved December 3, 2011, from <http://www.urbanjustice.org/pdf/publications/FNStateModelLaw.pdf>.



**Civil penalties** – The bill increases the civil penalty for violations related to prostitution from \$500 to \$5,000 with \$500 of the proceeds to be paid to the court and the remaining \$4,500 to be paid to DCF for the sole purpose of funding safe houses and short-term safe houses.

FDLE believes the proposed funding may in fact be “phantom funding.” The bill proposes to fund the “safe harbor” approach by increasing the civil penalty from \$500 to \$5,000 and diverting \$4,500 to fund “safe harbor” when one is guilty of solicitation of prostitution or when one has a weapon during the commission of a prostitution related offense.

It has been reported to FDLE that the experience statewide is that the current \$500 is rarely successfully collected. If this is true, then increasing the penalty ten-fold will likely not make the rate of collection higher, and in reality the anticipated funds to fund the “safe harbor” approach may be illusory. An analysis of current collection rates of the \$500 penalty should be completed before assuming extra funds will be raised by the proposed ten-fold increase in the penalty.<sup>79</sup>

**Eligibility for Award under Victims Assistance Program**

The bill allows victims of sexual exploitation to be eligible for compensation (awards), regardless of whether or not the child is willfully engaging in prostitution. The Victims Assistance<sup>80</sup> program is overseen by the Attorney General’s office and provides financial assistance for medical care, lost income, mental health services, funeral expenses and other out-of-pocket expenses directly related to the injury, to persons who are eligible.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

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<sup>79</sup> *Id.*

<sup>80</sup> State of Florida. Office of the Attorney General. Retrieved December 2, 2011 from <http://myfloridalegal.com/pages.nsf/main/1c7376f380d0704c85256cc6004b8ed3!OpenDocument>.

B. Private Sector Impact:

None.

C. Government Sector Impact:

- FDLE reports there will be minimal fiscal impact on the agency.
- The Department of Juvenile Justice (DJJ) reports no fiscal impact on the agency.
- DCF reports that it is unable to determine an estimated fiscal impact due to the lack of specificity in the bill.

While the proposed legislation is very specific in stating that implementation is contingent upon available funding, initial acquisition, construction, and start-up costs for a standard 15-20 bed specialized sexual exploitation facility has proven to be approximately \$1,500,000-\$2,000,000 (see Las Vegas, NV, and Oakland, CA). The department does have experience in procuring highly specialized residential placement. As such the department estimates that the daily operating cost minus the initial acquisition, construction, and start-up costs for a sexual exploitation bed is estimated to be somewhere around \$350.00 per day per child. Approximately \$180.00 of the estimated \$350.00 daily cost could be covered through Medicare reimbursement for intensive mental health therapy in a therapeutic group home setting. However, this assumes that all of these children will have an assessed mental health diagnosis that requires placement into a therapeutic group home setting.

In short, there is the potential for a minimum estimated \$170.00 dollar per day short fall in funding for these victims based on the current funding structure. If the estimated number of identified victims falls within the estimated annual 200-300 range that would mean that in approximately 2 years there is the potential for a minimum additional annual outlay of **\$12,410,000** to **\$18,615,000** in additional funds to meet the intensive service needs of this population in a highly specialized treatment environment.

Additionally, any child who spends at least 6 months living in the foster care system before reaching his or her 18th birthday is currently eligible for financial assistance up to the age of 23 through independent living transition services.<sup>81</sup> Given that initial identification of most victims occurs when a child is between the ages of 16 -17 and that most established residential domestic minor sex trafficking programs currently operate a 12-18 month residential placement program there is a strong probability that most identified victims will become eligible for Road to Independence funding when they age out of the foster care system. If the estimated number of annual identified victims falls within the expected 200-300 within 2 years it is expected that 200-300 young adults who were a victim of Domestic Minor Sex Trafficking will have aged out of Florida foster care system and will/could be eligible to receive a maximum monthly stipend of \$1254.00 per month so long as they are enrolled in a full time educational program and remain in good standing within that educational program. Potentially, the state Independent Living funding for young adults who have aged out of the foster care system

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<sup>81</sup> s. 409.1451, F.S.

might require a minimum of additional annual funds in the **\$3,000,000 to \$4,500,000** range to cover this new eligible population.

The cost associated with this bill is not anticipated to have a direct fiscal impact on the department. However, it could have an impact on community based care (CBC) lead agencies when safe houses and short-term safe houses are available. CBCs are required to serve all dependent children referred to their agency. Therefore any additional cost would have to be absorbed by current contract funds to the CBC. However, at the time of this analysis neither of these facilities are available, which render the provisions of the bill moot.

## VI. Technical Deficiencies:

There are a number of technical deficiencies and inconsistencies in the bill, including, but not limited to:

- Lines 83-90 of the bill create legislative intent for the state to provide services to **all** sexually exploited children in the state who are not otherwise receiving comparable services, such as those under the federal Trafficking Victims Protection Act. Benefits and services under the federal act are for certified trafficking victims who are non-U.S. citizens and their children who have been issued a letter by ORR declaring them victims of a severe form of trafficking. It is unclear how these children will come to the attention of law enforcement or social services and, if they do, whether they will automatically be placed in a safe house according to the provisions of the bill.
- Lines 437-440 of the bill create a rebuttable presumption that a child found to be a victim of sexual exploitation be committed to a safe house. This language appears to be inappropriately placed in the middle of a paragraph dealing with court approved visitation. Use of the term “committed” when referring to placement in a safe house is inappropriate in the dependency context.
- Lines 467-471 of the bill, relating to assessment of a child who has been found to be a victim of sexual exploitation, is unclear. The child is to be assessed by the department or its agent for placement in a safe house, if appropriate. If the department is performing the assessment, it would have to be done by a child protective investigator (CPI). It is unclear if this is part of a child protective investigation, although it would appear to be a different assessment that would require skills other than those typically possessed by CPIs.
- Lines 500-513 of the bill require data collection by the department relating to safe house placements. It is unclear whether this data is to be captured in the Florida Safe Families Network (FSFN) system.
- Lines 519-524 of the bill create a definition for the term “child advocate.” Since this individual is not a party to a dependency proceeding it would be impossible for him or her to serve as a liaison with the court. It is unclear why such an advocate would be necessary in a short-term safe house and not a safe house. The responsibilities of the advocate may be duplicative of those of a guardian ad litem.
- Lines 525-528 of the bill define a safe house as living quarters for sexually exploited children who have been adjudicated dependent or **delinquent**. This appears to conflict with the goal of the bill to treat all sexually exploited children as dependent.
- Lines 530-531 of the bill require safe houses to be operated **by** a licensed family foster home or a residential child-caring agency. It is unclear whether “by” should be “as.”

- Lines 533-535 of the bill require safe houses to be licensed residential child-caring agencies and be accredited. There is currently no requirement for licensed residential child-caring agencies to be accredited, nor does the bill specify what accrediting entity must be used.
- Lines 586-593 of the bill provide authority to the entity providing safe house services to enroll the child in school, sign for a driver's license, cosign loans and insurance, sign for medical treatment and authorize other such activities. This language is not specific as to what kinds of medical treatment may be authorized without parental permission, and it is unclear why a child who is placed in a secure safe house would need a driver's license. It is also unclear what entity would assume the liability of cosigning a loan for a minor.

## **VII. Related Issues:**

The bill provides for a significant change in statewide policy related to minors involved in prostitution that removes a minor under the age of 16 from criminal/delinquency options and instead would treat them as victims to be addressed through the dependency court system.<sup>82</sup> A number of entities are currently examining this issue in an attempt to find the best solution for these children in Florida:

- DCF and DJJ are working on draft legislation that will not be ready for introduction until the 2013 legislative session;
- The Human Trafficking Task Force<sup>83</sup> appointed a subcommittee to deal with this policy issue as well as the approach taken by SB 718 from the 2010 session. After numerous meetings, there was no clear consensus on how this significant problem should be addressed and concerns raised over the 2010 legislation (which equally apply to 2011's SB 718 and the 2012 SB 202) were not resolved nor were recommendations for resolution made. Most serving on the group believed some sort of limited "pilot project" approach would be wise before effecting a statewide significant policy change; and,
- The Legal Needs of Children Committee of the Florida Bar has formed a subcommittee on human trafficking with the goal of vetting and endorsing legislation.

### **Comments from the Office of the State Courts Administrator (OSCA)**

OSCA reported that there will be an increase in judicial or court workload. The amount of the increase and the resulting fiscal impact are indeterminate.

### **Comments from the Florida Sheriff's Association (FSA)**

While the FSA has not taken a position on the issue of sexual exploitation of children, the association has reported a number of concerns:

- The fact that the legislation creates a presumption that all minors engaging in sexual activity do so "involuntarily" does not reflect what can and does happen on the street; and
- The fact that the bill proposes a "one size fits all" solution to a complex problem. Law enforcement believes retaining the current flexibility of making a determination on a case-by-case basis is the best option.<sup>84</sup>

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<sup>82</sup> Any debate of this proposal must recognize that there are few facilities statewide that could meet the demands of treating minors as proposed by this bill.

<sup>83</sup> The State Legislature created the Task Force in 2009 "to examine and analyze the problem of human trafficking and to plan for a coordinated, humane response for victims of human trafficking through a review of existing programs, a clarification of existing options for such victims, and revised policy efforts to coordinate governmental and private efforts."

<sup>84</sup> Florida Sheriff's Association. Comments on HB 99. HB 99 is identical to SB 202.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on December 7, 2011:**

- Removes a provision related to legislative intent;
- Makes the requirement that law enforcement deliver a child for whom there is probable cause to believe he or she has been sexually exploited to a safe house permissive; and
- Removes the provisions relating to prohibiting juvenile probation officers and the state attorney from filing a petition for delinquency for an act related to prostitution unless the child has been previously adjudicated delinquent.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By the Committee on Children, Families, and Elder Affairs; and  
Senator Flores

586-01578-12

2012202c1

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

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30 requirements for safe houses and their operators;  
31 providing for training for law enforcement officials  
32 who are likely to encounter sexually exploited  
33 children; amending s. 796.07, F.S.; providing for an  
34 increased civil penalty for soliciting another to  
35 commit prostitution or related acts; providing for  
36 disposition of proceeds; amending s. 960.065, F.S.;  
37 allowing victim compensation for sexually exploited  
38 children; amending s. 985.115, F.S.; conforming a  
39 provision to changes made by the act; providing an  
40 effective date.  
41  
42 Be It Enacted by the Legislature of the State of Florida:  
43  
44 Section 1. This act may be cited as the "Florida Safe  
45 Harbor Act."  
46 Section 2. Subsections (4) through (12) of section 39.001,  
47 Florida Statutes, are renumbered as subsections (5) through  
48 (13), respectively, paragraph (c) of present subsection (7) and  
49 paragraph (b) of present subsection (9) are amended, and a new  
50 subsection (4) is added to that section, to read:  
51 39.001 Purposes and intent; personnel standards and  
52 screening.-  
53 (4) SEXUAL EXPLOITATION SERVICES.-  
54 (a) The Legislature recognizes that child sexual  
55 exploitation is a serious problem nationwide and in this state.  
56 The children at greatest risk of being sexually exploited are  
57 runaways and throwaways. Many of these children have a history  
58 of abuse and neglect. The vulnerability of these children starts

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with isolation from family and friends. Traffickers maintain control of child victims through psychological manipulation, force, drug addiction, or the exploitation of economic, physical, or emotional vulnerability. Children exploited through the sex trade often find it difficult to trust adults because of their abusive experiences. These children make up a population that is difficult to serve and even more difficult to rehabilitate.

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

1. To ensure the safety of children.
2. To provide for the treatment of such children as dependent children rather than as delinquents.
3. To sever the bond between exploited children and traffickers and to reunite these children with their families or provide them with appropriate guardians.

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

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

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

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

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

(c) The office is authorized and directed to:

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

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

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

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

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

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

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

d. Efforts to promote adoption.

e. Postadoptive services to support adoptive families.

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

- 127 a. A summary of the activities of the office.
- 128 b. A summary of the adoption data collected and reported to  
 129 the federal Adoption and Foster Care Analysis and Reporting  
 130 System (AFCARS) and the federal Administration for Children and  
 131 Families.
- 132 c. A summary of the child abuse prevention data collected  
 133 and reported to the National Child Abuse and Neglect Data System  
 134 (NCANDS) and the federal Administration for Children and  
 135 Families.
- 136 d. A summary detailing the timeliness of the adoption  
 137 process for children adopted from within the child welfare  
 138 system.
- 139 e. Recommendations, by state agency, for the further  
 140 development and improvement of services and programs for the  
 141 promotion of adoption, support of adoptive families, and  
 142 prevention of child abuse and neglect.
- 143 f. Budget requests, adoption promotion and support needs,  
 144 and child abuse prevention program needs by state agency.
- 145 6. Work with the direct-support organization established

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146 under s. 39.0011 to receive financial assistance.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

209 (g) The sexual exploitation of a child, which includes the  
 210 act of a child offering to engage in or engaging in  
 211 prostitution; or allowing, encouraging, or forcing a child to:

212 1. Solicit for or engage in prostitution; ~~or~~

213 2. Engage in a sexual performance, as defined by chapter  
 214 827; or

215 3. Participate in the trade of sex trafficking as provided  
 216 in s. 796.035.

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

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

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

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

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233 in s. 409.1678 if a short-term safe house is available.

234

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

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

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

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262 s. 39.0138. In addition, the department may authorize placement  
263 of a housekeeper/homemaker in the home of a child alleged to be  
264 dependent until the parent or legal custodian assumes care of  
265 the child.

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

269 39.402 Placement in a shelter.—

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

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

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

289 1. The department must establish probable cause that  
reasonable grounds for removal exist and that the provision of

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appropriate and available services will not eliminate the need for placement;

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

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

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

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

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

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

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

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appropriately determine the risk to the child.

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

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

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

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

d. The child has been sexually exploited; or

e.4- The parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).

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

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7. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

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

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

39.521 Disposition hearings; powers of disposition.—

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

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child is removed before the disposition hearing, the order must also include a written determination as to whether, after removal,

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

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

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

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

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

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

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

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

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

c. The child cannot safely remain at home, because there are no preventive services that can ensure the health and safety

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

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

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

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

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

(d) If the child cannot be safely placed in a nonlicensed placement, the court shall commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for court-approved visitation periods, without the

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

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

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

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465 39.524 Safe-harbor placement.—  
 466 (1) Except as provided in s. 39.407, any dependent child 6  
 467 years of age or older who has been found to be a victim of  
 468 sexual exploitation as defined in s. 39.01(67)(g) must be  
 469 assessed for placement in a safe house as provided in s.  
 470 409.1678. The assessment shall be conducted by the department or  
 471 its agent and shall incorporate and address current and  
 472 historical information from any law enforcement reports;  
 473 psychological testing or evaluation that has occurred; current  
 474 and historical information from the guardian ad litem, if one  
 475 has been assigned; current and historical information from any  
 476 current therapist, teacher, or other professional who has  
 477 knowledge of the child and has worked with the child; and any  
 478 other information concerning the availability and suitability of  
 479 safe-house placement. If such placement is determined to be  
 480 appropriate as a result of this procedure, the child must be  
 481 placed in a safe house, if one is available. As used in this  
 482 section, the term “available” as it relates to a placement means  
 483 a placement that is located within the circuit or that is  
 484 otherwise reasonably accessible.  
 485 (2) The results of the assessment described in subsection  
 486 (1) and the actions taken as a result of the assessment must be  
 487 included in the next judicial review of the child. At each  
 488 subsequent judicial review, the court must be advised in writing  
 489 of the status of the child’s placement, with special reference  
 490 regarding the stability of the placement and the permanency  
 491 planning for the child.  
 492 (3) Any safe house that receives children under this  
 493 section shall establish special permanency teams dedicated to

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494 overcoming the special permanency challenges presented by this  
 495 population of children. Each facility shall report to the  
 496 department its success in achieving permanency for children  
 497 placed by the department in its care at intervals that allow the  
 498 current information to be provided to the court at each judicial  
 499 review for the child.  
 500 (4)(a) By December 1 of each year, the department shall  
 501 report to the Legislature on the placement of children in safe  
 502 houses during the year, including the criteria used to determine  
 503 the placement of children, the number of children who were  
 504 evaluated for placement, the number of children who were placed  
 505 based upon the evaluation, and the number of children who were  
 506 not placed.  
 507 (b) The department shall maintain data specifying the  
 508 number of children who were referred to a safe house for whom  
 509 placement was unavailable and the counties in which such  
 510 placement was unavailable. The department shall include this  
 511 data in its report under this subsection so that the Legislature  
 512 may consider this information in developing the General  
 513 Appropriations Act.  
 514 Section 8. Section 409.1678, Florida Statutes, is created  
 515 to read:  
 516 409.1678 Safe harbor for children who are victims of sexual  
 517 exploitation.—  
 518 (1) As used in this section, the term:  
 519 (a) “Child advocate” means an employee of a short-term safe  
 520 house who has been trained to work with and advocate for the  
 521 needs of sexually exploited children. The advocate shall  
 522 accompany the child to all court appearances, meetings with law

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523 enforcement, and the state attorney's office and shall serve as  
 524 a liaison between the short-term safe house and the court.

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

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

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

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

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552 to sexually exploited children, including food, clothing,  
 553 medical care, counseling, and appropriate crisis intervention  
 554 services at the time they are taken into custody by law  
 555 enforcement or the department.

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

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

579 (c) This section does not prohibit any provider of these  
 580 services from appropriately billing Medicaid for services

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

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

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

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

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610 training, and such training may be provided on a regional basis.  
 611 The department shall assist circuits in obtaining any available  
 612 funds for the purposes of conducting law enforcement training  
 613 from the Office of Juvenile Justice and Delinquency Prevention  
 614 of the United States Department of Justice.

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

617 796.07 Prohibiting prostitution and related acts, ~~etc.,~~  
 618 evidence; penalties; definitions.—

619 (1) As used in this section:

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

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

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

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

633 (2) It is unlawful:

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

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



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639 act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

696 960.065 Eligibility for awards.—

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697 (1) Except as provided in subsection (2), the following  
 698 persons shall be eligible for awards pursuant to this chapter:  
 699 (a) A victim.  
 700 (b) An intervenor.  
 701 (c) A surviving spouse, parent or guardian, sibling, or  
 702 child of a deceased victim or intervenor.  
 703 (d) Any other person who is dependent for his or her  
 704 principal support upon a deceased victim or intervenor.  
 705 (2) Any claim filed by or on behalf of a person who:  
 706 (a) Committed or aided in the commission of the crime upon  
 707 which the claim for compensation was based;  
 708 (b) Was engaged in an unlawful activity at the time of the  
 709 crime upon which the claim for compensation is based;  
 710 (c) Was in custody or confined, regardless of conviction,  
 711 in a county or municipal detention facility, a state or federal  
 712 correctional facility, or a juvenile detention or commitment  
 713 facility at the time of the crime upon which the claim for  
 714 compensation is based;  
 715 (d) Has been adjudicated as a habitual felony offender,  
 716 habitual violent offender, or violent career criminal under s.  
 717 775.084; or  
 718 (e) Has been adjudicated guilty of a forcible felony  
 719 offense as described in s. 776.08,  
 720 ~~is ineligible shall not be eligible~~ for an award.  
 721  
 722 (3) Any claim filed by or on behalf of a person who was in  
 723 custody or confined, regardless of adjudication, in a county or  
 724 municipal facility, a state or federal correctional facility, or  
 725 a juvenile detention, commitment, or assessment facility at the

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726 time of the crime upon which the claim is based, who has been  
 727 adjudicated as a habitual felony offender under s. 775.084, or  
 728 who has been adjudicated guilty of a forcible felony offense as  
 729 described in s. 776.08, renders the person ineligible ~~shall not~~  
 730 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a  
 731 finding by the Crime Victims' Services Office of the existence  
 732 of mitigating or special circumstances that would render such a  
 733 disqualification unjust, an award may be approved. A decision  
 734 that mitigating or special circumstances do not exist in a case  
 735 subject to this section does ~~shall~~ not constitute final agency  
 736 action subject to review pursuant to ss. 120.569 and 120.57.  
 737 (4) Payment may not be made under this chapter if the  
 738 person who committed the crime upon which the claim is based  
 739 will receive any direct or indirect financial benefit from such  
 740 payment, unless such benefit is minimal or inconsequential.  
 741 Payment may not be denied based on the victim's familial  
 742 relationship to the offender or based upon the sharing of a  
 743 residence by the victim and offender, except to prevent unjust  
 744 enrichment of the offender.  
 745 (5) A person is not ineligible for an award pursuant to  
 746 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
 747 person is a victim of sexual exploitation of a child as defined  
 748 in s. 39.01(67)(g).  
 749 Section 11. Paragraph (b) of subsection (2) of section  
 750 985.115, Florida Statutes, is amended to read:  
 751 985.115 Release or delivery from custody.—  
 752 (2) Unless otherwise ordered by the court under s. 985.255  
 753 or s. 985.26, and unless there is a need to hold the child, a  
 754 person taking a child into custody shall attempt to release the

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755 child as follows:

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

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

**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.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

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BILL: SB 296

INTRODUCER: Senator Joyner

SUBJECT: Offense of Video Voyeurism

DATE: January 13, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	<b>Favorable</b>
2.	Sneed	Sadberry	BJA	<b>Pre-meeting</b>
3.			BC	
4.				
5.				
6.				

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**I. Summary:**

This bill provides that video voyeurism committed within a residential dwelling is a third degree felony. Currently, the location where video voyeurism takes place is not a distinguishing element of the offense and video voyeurism is a first degree misdemeanor except in certain circumstances when the victim is a child or student.

This bill substantially amends section 810.145 of the Florida Statutes.

**II. Present Situation:**

**Video Surveillance and Voyeurism**

Video voyeurism is the unlawful use of an imaging device to surreptitiously observe another person. The practice is most often associated with a sexual motive, such as using a cell phone camera to take pictures beneath women's skirts in a shopping area or installing hidden cameras in a changing area.

In 2004, the federal government passed the Video Voyeurism Prevention Act of 2004<sup>1</sup> in order to "protect the privacy of individuals from the surreptitious use of hidden surveillance equipment that captures an individual's image."<sup>2</sup> The Act makes it a misdemeanor for a person to

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<sup>1</sup> 18 U.S.C. s. 1801. The Act applies only within the special maritime and territorial jurisdiction of the United States, so does not conflict with state law.

<sup>2</sup> Kristin M. Beasley, *Up-Skirt and Other Dirt: Why Cell Phone Cameras and Other Technologies Require a New Approach to Protecting Personal Privacy in Public Places*, 31 S. ILL. U. L.J. 69, 88 (2006) (quoting H.R. Rep. No. 08-504, at 5, as reprinted in 2004 U.S.C.C.A.N. 3292, 3294-95).

intentionally capture an image of a private area of another person without his or her consent under circumstances in which the other person has a reasonable expectation of privacy. All states have criminal statutes that address video voyeurism in some form.

### **Florida's Video Voyeurism Statute**

Florida law forbids video voyeurism if a person uses or installs an imaging device to secretly view, broadcast or record another person for “amusement, entertainment, sexual arousal, gratification, or profit,” or to degrade or abuse that person. The original s. 810.145, F.S., was enacted in 1984 and created misdemeanor video voyeurism offenses. The statute was amended in 2008 to elevate certain video voyeurism offenses committed against children to felonies.

An offender commits the misdemeanor offense of video voyeurism by:

- Intentionally using or installing an imaging device to secretly view, broadcast, or record a person who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy, for the offender’s own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.<sup>3</sup>
- Intentionally permitting the use or installation of an imaging device to secretly view, broadcast, or record a person as stated above, but for the amusement, entertainment, sexual arousal, gratification, or profit of another person.<sup>4</sup>
- Intentionally using an imaging device to secretly view, broadcast, or record under or through another person’s clothing in order to view that person’s body or undergarments, for the amusement, entertainment, sexual arousal, gratification, or profit of either the offender or another person.<sup>5</sup>
- Committing the offense of “video voyeurism dissemination”<sup>6</sup> and “commercial video voyeurism dissemination”<sup>7</sup> for distributing a video or image with knowledge or reason to believe that it was created as a result of video voyeurism.

A first-time violation of any of these provisions is a first-degree misdemeanor, punishable by a term of imprisonment not exceeding one year and a fine of not more than \$1,000. If the offender has previously been convicted of or adjudicated delinquent for any violation of the section, the penalty is enhanced to a third-degree felony, punishable by imprisonment for up to five years and a fine of not more than \$5,000.

There are three felony video voyeurism offenses in addition to those that result from enhancement of the penalty for repeat misdemeanor video voyeurism. Conviction of these offenses requires additional elements of proof:

- Section 810.145(8)(a)1., F.S., applies when the offender was 18 years of age or older, the victim was under the age of 16, and the offender was responsible for the welfare of the

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<sup>3</sup> Section 810.145(2)(a), F.S.

<sup>4</sup> Section 810.145(2)(b), F.S.

<sup>5</sup> Section 810.145(2)(c), F.S.

<sup>6</sup> Section 810.145(3), F.S.

<sup>7</sup> Section 810.145(4), F.S.

victim. Persons who are responsible for a child's welfare would include coaches, teachers, scout leaders, parents, guardians, babysitters, and those with similar relationships to the child.<sup>8</sup>

- Section 810.145(8)(a)2., F.S., applies when the offender was 18 years old or older, was employed at a public or private K-12 school or a voluntary pre-K program, and the victim was a student at the school or program.
- Section 810.145(8)(a)3., F.S., applies when the offender was 24 years of age or older and the victim was under the age of 16.

These offenses are third-degree felonies, which are punishable by imprisonment for up to five years and a fine of not more than \$5,000. If the offender has previously been convicted of or adjudicated delinquent for any form of video voyeurism, these offenses are second-degree felonies, punishable by imprisonment for up to 15 years and a fine of not more than \$10,000.

The statute includes exceptions to ensure that it does not criminalize legitimate law enforcement surveillance, or security surveillance devices if a notice is posted or if the device is clearly and immediately obvious. There is also an exception for Internet service providers who do not exercise control over user content.<sup>9</sup>

During Fiscal Year 2010-2011, six persons were convicted of misdemeanor video voyeurism<sup>10</sup> and three persons were placed on community supervision as the result of being convicted of felony video voyeurism.<sup>11</sup>

### III. Effect of Proposed Changes:

The bill creates a new subsection (9) in s. 810.145, F.S., to make video voyeurism that is committed within a residential dwelling a third degree felony. Currently, video voyeurism committed within a residential dwelling is not distinguished from video voyeurism committed in other places and is a first degree misdemeanor. Separate specification of the offense and its elevation to a third degree felony means that an offender could be sentenced to incarceration in state prison or felony community supervision for up to five years.<sup>12</sup> Under the current statute, an offender whose commission of video voyeurism occurs within a residential dwelling can only be sentenced to incarceration in the county jail or misdemeanor probation for up to one year.

The bill defines "residential dwelling" to be:

[A] building or conveyance of any kind which has a roof over it and is designed to be occupied by people lodging therein at night, regardless of whether the building or conveyance is temporary or permanent or mobile or immobile.

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<sup>8</sup> See ss. 39.01(46) and 827.01, F.S.; *P.N. v. Dep't of Health & Rehabilitative Servs.*, 562 So. 2d 810, 811 (Fla. 2d DCA 1990).

<sup>9</sup> Section 810.145(5), F.S.

<sup>10</sup> Information from the Florida Department of Law Enforcement provided to committee staff by the Office of Economic & Demographic Research, e-mail dated November 30, 2011.

<sup>11</sup> Department of Corrections Analysis of Senate Bill 436.

<sup>12</sup> The court can also impose a split sentence that includes both incarceration and community supervision up to a total of five years.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference (CJIC) has not yet projected the impact that the bill would have on prison beds. However, because of the low volume of convictions in previous years it is anticipated that CJIC will find the fiscal impact to be insignificant or indeterminate.

**VI. Technical Deficiencies:**

Section 810.145(8)(a), 1. - 3., F.S., describes felony video voyeurism offenses involving children or students. Section 810.145(8)(b), F.S., provides that these offenses are third degree felonies, but that they are elevated to second degree felonies if the offender was previously convicted or adjudicated delinquent of committing any form of video voyeurism. This enhancement provision would not apply to the new felony of video voyeurism within a residential dwelling because the bill places that offense in a new section (9). This is a technical deficiency if it is intended that all third degree felony video voyeurism offenses be enhanced for repeat offenders.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Joyner

18-00206-12

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A bill to be entitled

An act relating to the offense of video voyeurism; amending s. 810.145, F.S.; increasing the penalty for conducting video voyeurism in a residential dwelling from a first-degree misdemeanor to a third-degree felony; defining the term "residential dwelling"; providing an effective date.

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

Section 1. Section 810.145, Florida Statutes, is amended to read:

810.145 Video voyeurism.—

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

(a) "Broadcast" means electronically transmitting a visual image with the intent that it be viewed by another person.

(b) "Imaging device" means any mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting visual images of another person.

(c) "Place and time when a person has a reasonable expectation of privacy" means a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a bathroom, changing room, fitting room, dressing room, or tanning booth.

(d) "Privately exposing the body" means exposing a sexual

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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organ.

(e) "Residential dwelling" means a building or conveyance of any kind which has a roof over it and is designed to be occupied by people lodging therein at night, regardless of whether the building or conveyance is temporary or permanent or mobile or immobile.

(2) A person commits the offense of video voyeurism if that person:

(a) For his or her own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;

(b) For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy; or

(c) For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and consent, for the purpose of viewing the body of,

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or the undergarments worn by, that person.

(3) A person commits the offense of video voyeurism dissemination if that person, knowing or having reason to believe that an image was created in a manner described in this section, intentionally disseminates, distributes, or transfers the image to another person for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.

(4) A person commits the offense of commercial video voyeurism dissemination if that person:

(a) Knowing or having reason to believe that an image was created in a manner described in this section, sells the image for consideration to another person; or

(b) Having created the image in a manner described in this section, disseminates, distributes, or transfers the image to another person for that person to sell the image to others.

(5) This section does not apply to any:

(a) Law enforcement agency conducting surveillance for a law enforcement purpose;

(b) Security system when a written notice is conspicuously posted on the premises stating that a video surveillance system has been installed for the purpose of security for the premises;

(c) Video surveillance device that is installed in such a manner that the presence of the device is clearly and immediately obvious; or

(d) Dissemination, distribution, or transfer of images subject to this section by a provider of an electronic communication service as defined in 18 U.S.C. s. 2510(15), or a provider of a remote computing service as defined in 18 U.S.C.

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s. 2711(2). For purposes of this section, the exceptions to the definition of "electronic communication" set forth in 18 U.S.C. s. 2510(12)(a), (b), (c), and (d) do not apply, but are included within the definition of the term.

(6) Except as provided in subsections (7), ~~and~~ (8), and (9), a person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) A person who violates this section and who has previously been convicted of or adjudicated delinquent for any violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) (a) A person who is:

1. Eighteen years of age or older who is responsible for the welfare of a child younger than 16 years of age, regardless of whether the person knows or has reason to know the age of the child, and who commits an offense under this section against that child;

2. Eighteen years of age or older who is employed at a private school as defined in s. 1002.01; a school as defined in s. 1003.01; or a voluntary prekindergarten education program as described in s. 1002.53(3)(a), (b), or (c) and who commits an offense under this section against a student of the private school, school, or voluntary prekindergarten education program; or

3. Twenty-four years of age or older who commits an offense under this section against a child younger than 16 years of age, regardless of whether the person knows or has reason to know the age of the child

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commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who violates this subsection and who has previously been convicted of or adjudicated delinquent for any violation of this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) A person who commits the offense of video voyeurism within a residential dwelling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) ~~(9)~~ For purposes of this section, a person has previously been convicted of or adjudicated delinquent for a violation of this section if the violation resulted in a conviction that was sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense.

Section 2. This act shall take effect July 1, 2012.

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*FLORIDA'S*

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*DOMESTIC SECURITY*

*FUNDING RECOMMENDATIONS*



Fiscal Year 2012-2013

## INTRODUCTION

The continued success of Florida's Domestic Security Strategy can be attributed to the ongoing collaboration and cooperation across disciplines and jurisdictions. Additionally, the ongoing assessment and evolution of our strategic goals and objectives coupled with the continued commitment to translate ideas into action will ensure the success of Florida's strategy for many years to come. From its inception, Florida's Domestic Security Strategy has relied on the Regional Domestic Security Task Forces (RDSTF) and discipline-based Domestic Security Funding Committees to determine needs and to recommend the priorities for the agencies that would receive funding within each region.

Florida evaluates each project through a Peer Review process. The Peer Review panel consists of one representative from each funding committee, as well as one representative for Florida's five designated urban areas. This eleven member Peer Review Committee reviews each submitted project and scores each project based on set criteria provided by the Florida Department of Law Enforcement's Office of Domestic Security. This scoring accounts for 40 percent of each project's final prioritized ranking.

In August, approximately 250 local and state experts from each discipline met in Lake Mary to develop and vet projects based on national goals, Florida's goals, and recommended funding from the available federal dollars. In November, the funding committee chairs were provided the opportunity to present and further explain the benefit of their sponsored projects to the regionally based 55 voting delegates. The delegates then voted/prioritized the submitted projects, which accounted for the remaining 60 percent of each project's final prioritized ranking.

The attached budget recommendations represent the collective wisdom and consensus of these experts. The recommendations were presented to and approved by Florida's Domestic Security Oversight Council on December 6, 2011. The following spreadsheet lists all of the proposed federal fiscal year (FFY) 2012-2013 projects categorized by the state agency seeking budget authority for those projects. The project descriptions that follow are listed in priority order and the law enforcement terrorism prevention activities are listed separately in priority order. This documentation is provided to assist the Executive Office of the Governor and the Florida Legislature in the review and approval of the recommended projects for the issuance of required legislative budget spending authority.

## Summary of Department of Homeland Security Funding Requested by Florida

*Fiscal Year 2012*

State Homeland Security Program (SHSP) <sup>1</sup>	\$11,537,808
Urban Areas Security Initiative (UASI) <sup>2</sup>	\$22,635,441
Metropolitan Medical Response Systems (MMRS) <sup>3</sup>	\$1,971,851
Citizen Corps Program (CCP) <sup>4</sup>	\$431,897
National Special Security Event Grant	\$4,111,748

<b>Total Funding Requested by Florida</b>	<b>\$40,688,745</b>
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1 Each State and territory will receive a minimum allocation under SHSP using the thresholds established in the 9/11 Act. All 50 States, the District of Columbia, and Puerto Rico will receive 0.355 percent of the total funds allocated for grants under Section 2004 of the *Homeland Security Act of 2002* (6 U.S.C. §101 *et seq.*), as amended by the 9/11 Act, for SHSP. Consistent with the 9/11 Act, States are required to ensure that at least 25 percent of SHSP appropriated funds and 25 percent of UASI appropriated funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities, including those activities which support the development and operation of fusion centers. 80% of SHSGP funding is required to be passed through to local governments. FY12 award allocations and grant guidance have not yet been released.

2 UASI funds will be allocated based on risk and anticipated effectiveness upon completion of the application review process. Eligible candidates for the FY 2011 UASI program have been determined through an analysis of relative risk of terrorism faced by the 100 most populous metropolitan statistical areas in the United States, in accordance with the 9/11 Act. Based on that analysis, the eligible candidates have been grouped into two tiers according to relative risk. Tier I includes the 11 highest risk areas and will be allocated 81.6 percent of the total UASI funding available; Tier II includes the other 20 candidate areas and will be allocated the remaining 18.4 percent of the total UASI funding available. The tier approach was employed to allow applicants with a similar level of risk to compete for funding on a level playing field. FY12 award allocations and grant guidance have not yet been released.

3 MMRS jurisdictions in Florida are Miami, Jacksonville, Tampa, St. Petersburg, Hialeah, Ft. Lauderdale and Orlando. Dollar amount identified is reflective of what was received in FY11. FY12 award allocations and grant guidance have not yet been released.

4 CCP allocations are determined through a competitive process. Florida passes-through at least 80 percent of the total award allocation to 67 local recipients. Dollar amount identified is reflective of what was received in FY11. FY12 award allocations and grant guidance have not yet been released.

## Florida's 2012 Domestic Security Budget Recommendations

Project Title	Allocation
<b>Department of Agriculture and Consumer Services</b>	
State Agricultural Response Team (SART) Support	\$179,859
Food & Agriculture Laboratory Maintenance Agreements & Security upgrades	\$160,706
US&R Hazmat IMT Training & Exercise	\$50,000
Mobile VACIS	\$227,280
<b>Department of Education</b>	
Mass Communication	\$540,634
K-20 Target Hardening/Access Control	\$557,656
<b>Department of Management Services</b>	
Florida Interoperability Network (FIN)	\$1,000,000
<b>Department of Financial Services</b>	
US&R Hazmat IMT Training & Exercise	\$584,109
US&R Hazmat Sustainment	\$348,071
MARC Interoperable Communications Sustainment	\$95,097
<b>Department of Health</b>	
Enhancement of Radiological Response	\$120,000
<b>Department of Highway Safety and Motor Vehicles</b>	
FL Driver License Biometric ID Facial Recog. System	\$500,000
<b>Department of Military Affairs</b>	
National Special Security Event Grant	\$4,032,465
<b>Florida Wildlife Commission</b>	
Law Enforcement Specialty Team Training and Exercise	\$100,840
<b>Florida Department of Law Enforcement</b>	
Critical Infrastructure (CI) Planners	\$378,500
Regional Fusion Centers	\$48,100
Florida Fusion Center	\$295,000
Statewide Datasharing	\$517,245
Law Enforcement Analyst Academy	\$250,000
Metadata Planners	\$31,250
Query Tool (dFACTS) for Combined Commercial Public Data & State Owned LE Data	\$533,146
Law Enforcement Sustainment, Maintenance and Planning	\$400,000
<b>Division of Emergency Management</b>	
Sustain EM RDSTF Planners	\$494,400
Local Planning, Training & Exercise	\$993,999
Regional Fusion Centers	\$392,855
Statewide Datasharing	\$95,000
Metadata Planners	\$18,750
Region 1 Critical Infrastructure	\$39,651
Region 2 Critical Infrastructure	\$90,400
Region 5 Critical Infrastructure - Maitland	\$47,280
Region 5 Critical Infrastructure - Daytona Beach	\$59,899
Region 5 Critical Infrastructure - Winter Springs	\$71,617
Region 6 - Critical Infrastructure	\$132,700
Law Enforcement Specialty Team Critical Needs	\$325,763
Law Enforcement Sustainment, Maintenance and Planning	\$499,724
Law Enforcement Specialty Team Training and Exercise	\$359,116
Orlando UASI	\$7,370,299
Miami/Ft Lauderdale UASI	\$9,646,226
Tampa UASI	\$5,618,916
Metropolitan Medical Response Systems (MMRS)	\$1,971,851
Citizen Corps Program (CCP)	\$431,897
National Special Security Event Grant	\$79,283
Management and Administration	\$999,161
	\$40,688,745

Project Priority  
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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
1	Law Enforcement Response	<p><b>Law Enforcement Sustainment, Maintenance and Planning:</b> The project continues to prepare Law Enforcement Specialized Response Teams to protect Florida's citizens, visitors, and critical infrastructure by allowing SWAT and Bomb teams to maintain the capability to quickly and effectively deploy to threats and attacks. Items designated for Waterborne Response Teams assist these teams in preparing for a coordinated response in order to protect people and assets along Florida's coast, rivers, lakes, and ports. Providing the appropriate level of protection to Forensic Response Team personnel maintains the ability of personnel to work safely in a chemical environment.</p> <p>The 8 RDSTF Planners housed at the FDLE serve an essential role in coordinating regional and statewide planning efforts on behalf of agencies tasked with preventing and responding to terrorist incidents. Under Florida statute, FDLE is tasked with supporting the state's 8 RDSTFs. The RDSTF Planners play a crucial role in coordinating local efforts to prepare for and respond to terrorist incidents through a coordinated regional structure.</p>	\$899,724	\$899,724
2	Agriculture and Environment	<p><b>State Agricultural Response Team (SART) Support:</b> SART supports county, regional, and state emergency management efforts with coordinated incident response for animal emergencies. This project provides a planner to continue developing and integrating written plans into the Florida CEMP and other documents; web site, E-Newsletter, and printed materials for SART community outreach; FEMA-certified training for SART and US&amp;R members; animal handling and rescue equipment; travel funds for SART initiatives; planning, equipment, testing, and review of operational roles of the SART IMT; and coordination with the Florida Veterinary Medical Association (FVMA) for continued support of membership into the Florida Vet Corps.</p>	\$179,859	\$1,079,583
3	Agriculture and Environment	<p><b>Food &amp; Agriculture Laboratory Maintenance Agreements and Security Updates:</b> SHSP funding was used to purchase advanced equipment to update Florida's food, animal diagnostic, and agrichemical laboratories. Florida labs have been elevated to a level to allow them to join the Federal Laboratory Response Network (LRN) and the Food Emergency Response Network (FERN). This project provides for maintenance agreements for the previously purchased equipment, and security enhancements for the state's only BSL 3 animal disease diagnostic laboratory in Kissimmee. These enhancements were recommended after a detailed Site Assistance Visit (SAV) by the Department of Homeland Security.</p>	\$160,706	\$1,240,289



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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
4	Emergency Management	<b>Sustainment of EM RDSTF Planners:</b> Sustainment of RDSTF EM Planners will assist in strengthening regional collaboration and information sharing by providing planning expertise to all disciplines and by functioning as a critical link between the RDSTF, EM Community and the State.	\$494,400	\$1,734,689
5	Interoperable Communications	<b>Florida Interoperability Network (FIN):</b> This application provides for interoperable communications multi-jurisdictional and multi-discipline first responders - including local, state, and federal public safety agencies. FIN provides interoperable communications statewide, enhances regional response, can be completed within the grant period, and maximizes cost for the statewide benefit it provides. <ul style="list-style-type: none"> <li>- costs less than \$14 per responder based on 75,000+ L.E. and other first responders.</li> <li>- provides remote access to radio resources statewide.</li> <li>- provides radio-to-radio patches statewide.</li> <li>- provides intercom capability between dispatch centers statewide.</li> <li>- provides conference capability between dispatch centers statewide.</li> <li>- provides the same functionality from each EDICS trailer.</li> </ul>	\$1,000,000	\$2,734,689
6	Law Enforcement Response	<b>Law Enforcement Specialty Team Critical Needs:</b> Florida's recognized regional Law Enforcement specialty teams in the areas of Bomb, SWAT, and Forensics provide extended levels of service beyond local agency capabilities. Designation as a regional team confers a willingness of named teams to provide these services as needed within a geographical region; while host agencies invest a great deal of resources into these regional teams, non-host agencies are spared these costs while still receiving the benefits of increased capabilities. While basic necessities of maintaining current capabilities have been assigned to a Sustainment and Maintenance template, this Critical Needs template seeks funds to increase current capabilities to provide for expanded levels of service to the regions and higher levels of protection for regional team personnel. By supplying teams with safer alternatives to gather essential information through various updates in technology, teams can use information gathered to develop strategic response strategies that reduce risks to themselves and citizens.	\$325,763	\$3,060,452

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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
7	Fire Rescue	<b>US&amp;R Hazmat IMT Training and Exercise:</b> This project provides specialized training to members of eight (8) Urban Search & Rescue Task Forces, (11) Type II WMD Regional Hazardous Materials Response Teams and the State's Type I, II, III Incident Management Teams. All training provided is consistent with the Grants and Training guidelines and is necessary to maintain proficiency in mission specific operations, and provides training and exercises that are individually crafted for each response entity to address gaps identified in the Florida Domestic Security Capabilities Assessment, as well as programmatic Urban Search and Rescue Operational Readiness Evaluations and Hazardous Materials Operational Readiness Evaluations. Specifically the training will address the following needs: training designed to stem the loss of trained personnel in Urban Search & Rescue and Hazardous Materials Teams, the provision of cross discipline and hazard specific training (conducted in many instances in a regional format) and improved collaboration between specialty teams.	\$634,109	\$3,694,561
8	Campus Security	<b>Mass Communication:</b> This project seeks to correct identified vulnerabilities in K-20 Mass Communication Systems for campuses at Florida's public schools and institutions of Higher Education. Through a collaborative process with RDSTF participation, the K-20 Campus Security Committee has identified projects based on critical needs utilizing ACAMS.  School districts and institutions of Higher Education will coordinate with public safety agencies and RDSTF interoperable communications and/or UASIs on the acquisition of mass notification/communications equipment to provide a continuous flow of critical information that will maximize effective and swift communication with Florida citizens, visitors and the campus community. Improvements will be geared toward system enhancements (such as software programs, equipment, speakers, repeaters, and BDAs). This project continues the build out of existing mass/communication systems and components that rectify deficiencies noted in recent assessments conducted by certified critical infrastructure planners.	\$540,634	\$4,235,195

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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
9	Community Health Surge	<b>Enhancement of Radiological Response:</b> In 2008 HSGP funds were used to purchase portal monitors and handheld kits to support a statewide radiation monitoring program. However, the state has no means of detecting whether contamination off of victims becomes airborne and poses a hazard to workers and citizens at treatment sites. This project is to purchase 20 continuous portable radiation air monitoring systems to be used in conjunction with the equipment already available to alleviate the threat of long term increased risk of cancer as a result of overexposure at the treatment sites. The systems can be used for CBRNE detection at venues prior to or during events, and may be used indoors or outdoors.	\$120,000	\$4,355,195
10	Emergency Management	<b>Local Planning, Training and Exercise:</b> This project will allow all counties to execute a multi-disciplinary training and exercise regional plan that will test the knowledge, skills and abilities of personnel, organizations and the public/private partnerships and ensure that personnel involved in Emergency Operation Center operations/on-site incident management have and continue to receive appropriate training to fulfill their roles as required by the National Response Framework.	\$993,999	\$5,349,194
11	Campus Security*	<b>K-20 Target Hardening/Access Control:</b> The K-20 Campus Security Committee has identified projects to correct site vulnerabilities based on ACAMS assessments. Focus remains on the critical need for perimeter security control, visitor tracking, exterior cameras, vehicle standoff barriers, improved locking systems, training and further coordination with multi-discipline partners. With more than 4,000 facilities statewide, the goal is to focus on older buildings and facilities.	\$557,656	\$5,906,850
12	Fire Rescue*	<b>US&amp;R Hazmat Sustainment:</b> This project funds the sustainment of specific identified items from the equipment caches for 21 Type II WMD Regional Hazardous Materials Response Teams; 6 State and 2 State/Federal US&R Task Forces in accordance with the 2012-2014 Florida Domestic Security Strategic Plan and the appropriate US&R Type I, II & III RDSTF Standard Operations Guides or the Hazardous Materials Response Team Operational Readiness Standard Operations Guide. Funds will provide for maintenance, repair, upgrade or replacement of equipment cache items purchased with federal grant funds, including equipment that has reached the end of its operational service life.	\$348,071	\$6,254,921

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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
13	Interoperable Communications*	<b>MARC Interoperable Communications Sustainment:</b> MARC teams and equipment support the continuous flow of critical information between multi-jurisdictional and multi-disciplinary emergency responders by providing mobile and portable field communications capability. The MARC teams further provide emergency communication infrastructure to a state, county, or local jurisdiction to augment or replace communications infrastructure in a locale. The teams provide state, county, and local jurisdictions with resources, trained personnel, and supplies to support impacted communications infrastructure. MARC teams provide immediate response assets to assist in the dispatch and safe arrival of initial fire suppression resources and US&R resources through the dissemination of preprogrammed portable and mobile radios equipped with the National Mutual Aid frequencies.	\$95,097	\$6,350,018
14	Law Enforcement Response*	<b>Law Enforcement Specialty Team Training and Exercise:</b> Due to staff turnover, emerging technology, and equipment innovations, providing continued training to members of specialty teams is essential to team sustainment and development. Specific waterborne courses requested under this funding stream will provide marine units with the ability to respond during high threat and high risk rescue operations, and will enhance regional capability to escort high risk vessels in and out of Florida's ports. Training for Explosive Ordinance Disposal teams expands personnel knowledge of emerging techniques and procedures; ensuring the ability to capitalize on lessons learned from other jurisdictions, and allowing new techniques and procedures to be practiced, developed, and honed in a low-risk environment. Specialized SWAT training allows personnel to study updated techniques. Exercises geared towards SWAT teams allow for new techniques to be tested and implemented by teams in a low-stress, safe environment.	\$459,956	\$6,809,974

\* may not be funded, depending on grant award amount

**\$6,809,974**

LE Terrorism Prevention Activities  
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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
1	Law Enforcement Prevention	<b>Regional Fusion Centers:</b> The continued use of identified secure threat messaging tools, statewide intelligence databases, analytical software and analyst personnel to support domestic security investigations and fusion operations to ensure statewide uniform practices of collection, analysis and reporting of criminal and terrorism indicators and suspicious activity.	\$440,955	\$440,955
2	Law Enforcement Prevention	<b>Critical Infrastructure Planners:</b> Continue funding for 8 Critical Infrastructure Planner positions, 1 in each region and 1 at FDLE HQ.	\$378,500	\$819,455
3	Law Enforcement Prevention	<b>Query Tool (dFACTS) for Combined Commercial Public Data &amp; State Owned LE Data:</b> Law enforcement agencies use this valuable investigative tool that combines commercially available public data with state owned and maintained law enforcement data making it accessible via a single query.	\$533,146	\$1,352,601
4	Law Enforcement Prevention	<b>Florida Fusion Center:</b> The continued use of identified secure threat messaging tools, statewide intelligence databases, analytical software and analyst personnel to support domestic security investigations and fusion operations to ensure statewide uniform practices of collection, analysis and reporting of criminal and terrorism indicators and suspicious activity. Funding request also includes training and planning sessions for the fusion centers statewide.	\$295,000	\$1,647,601
5	Law Enforcement Prevention	<b>Mobile VACIS:</b> Maintenance contracts on the VACIS Units. VACIS Units coupled with the video monitoring equipment and radiation detectors, greatly enhances Florida's capabilities to ensure the citizens and visitors are protected against food borne illness.	\$227,280	\$1,874,881
6	Law Enforcement Prevention	<b>Law Enforcement Analyst Academy:</b> Continued funding for the analytical training programs to establish and provide a uniform training curriculum for the area of law enforcement intelligence analysis with a specific emphasis on counter-terrorism intelligence, collection, analysis and dissemination. Students are taught skills and given opportunity to practice and apply these skills in the area of investigative and intelligence analysis.	\$250,000	\$2,124,881

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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
7	Law Enforcement Prevention	<b>Time Lapse Video Monitoring / Tag Recognition System Maintenance:</b> The video monitoring/tag recognition equipment aides in maintaining enhanced border security. As each vehicle passes through the Agricultural Inspection Station the Tag and Cargo Recognition System video records the vehicle and runs every tag and cargo container through state and national databases to determine if it is of interest or wanted/stolen.	\$131,300	\$2,256,181
8	Law Enforcement Prevention*	<b>Statewide Datasharing:</b> Regions 1, 2, 3, 6, and 7 information sharing system that shares data across records management systems.	\$612,245	\$2,868,426
9	Law Enforcement Prevention*	<b>Metadata Planners:</b> Continued funding for 8 Metadata Planner positions that work with the FLEX/RLEX initiative.	\$50,000	\$2,918,426
10	Law Enforcement Prevention*	<b>Florida Driver License Biometric Facial Recognition System:</b> This project will continue the development of the Florida Driver License Biometric Facial Recognition System (FDLBFRS).The system is designed to combat identity related crime, identify criminal suspects (including terrorism suspects) and protect the Florida Driver License system against domestic security threats, vulnerabilities and fraud while preserving the personal rights of those who obtain a Florida driver license or identification card.	\$500,000	\$3,418,426
11	Law Enforcement Prevention*	<b>Region 2 Critical Infrastructure:</b> Installation of intrusion detection/monitoring systems at the 4 Florida Interoperable Network Gateways in Region 2 as well as continuing the buildout of video monitoring systems in the Gadsden and Wakulla County Courthouses.	\$90,400	\$3,508,826
12	Law Enforcement Prevention*	<b>Region 5 Critical Infrastructure - Maitland:</b> Installation of a video surveillance system, entry access system and physical security barriers at a Maitland radio tower.	\$47,280	\$3,556,106
13	Law Enforcement Prevention*	<b>Region 5 Critical Infrastructure - Winter Springs:</b> Installation and training on a CCTV system to be placed around various City of Winter Springs assets that will be monitored at a central monitoring facility.	\$71,617	\$3,627,723
14	Law Enforcement Prevention*	<b>Region 6 Critical Infrastructure:</b> This project provides for the purchase, set-up, training, and warranty of advanced imaging equipment that can be used to more completely screen visitors and personnel into the Manatee County Judicial Center, or other facilities as required.	\$132,700	\$3,760,423

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Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
15	Law Enforcement Prevention*	<b>Region 1 Critical Infrastructure:</b> Phase 1 of 4 - Installation of a security fence around the Escambia County Public Safety facility.	\$39,651	\$3,800,074
16	Law Enforcement Prevention*	<b>Region 5 Critical Infrastructure - Daytona Beach:</b> This project provides for the purchase of a mobile CCTV Surveillance System for Daytona Beach Police Department to use at various public entertainment venues and events.	\$59,899	\$3,859,973

*\* may not be funded, depending on grant award amount*

**\$3,859,973**

<b>Project Title</b>	<b>Description</b>	<b>Amount Requested</b>
EM Planning Coordinator	Emergency Management Planning Coordinator (12 months). This position will assist with the development/revision of citywide emergency management plans such as the CEMP, COG and COOP.	\$160,000.00
EM Planner	Emergency Management Planner (12 months). This position will assist with general planning responsibilities related to the implementation of the UASI grant program.	\$80,000.00
Inventory Planner	Equipment Inventory Planner (12 months). This position will be responsible for tracking the equipment purchased under the Miami UASI Grant Program and will draft all EHP forms.	\$60,000.00
Satellite Phone sustainment	Satellite Phone Sustainment Citywide (18 months). This project will sustain the satellite phones that are installed throughout City Departments including police and fire stations which allow all first responders to communicate when primary communication services are down.	\$23,400.00
EOC Sustainment	EOC Sustainment. This will pay for on-going information technology costs related to the operation of the City of Miami EOC.	\$40,000.00
Travel	Travel. This is costs for staff to attend DHS and State sponsored grant management/UASI courses/conferences.	\$30,000.00
Metro-Ethernet sustainment	Ethernet Secured @ Fire College for Redundant Communications for Miami's First Responders (18 months). This project will continue services for a Metro-Ethernet line that provides fast network connectivity between the City's network and the E911 back up center.	\$27,000.00
Planning, Training & Exercise	P,T & E. This project will support multi-disciplinary projects for the City of Miami under the leadership of MEM. Project scope will involve a full scale exercise, revision of planning documents such as the CEMP/COOP/COG and trainings that benefit terrorism-related emergency management trainings.	\$201,929.69
Equipment Maintenance	Support for current UASI Equipment. Continue support of equipment purchased with UASI Funds (servers, storage units, desktop, laptops, etc.). Some of these purchases were done using a 1-year support coverage. Will maintain servers at the Coral Springs disaster recovery site.	\$40,000.00
Damage Assessment software	Damage Assessment Application. Support ongoing damage assessment software application.	\$20,000.00
Pictometry software	Pictometry. Pictometry photography and software provides a perspective of the landscape which shows a front facing 45% degree angle of a structure or city street. Shown in the four distinct directions of north, south, east and west this gives the viewer a perspective of all sides of a street block or specific building.	\$65,000.00
Equipment Maintenance - Fire Rescue	Repair & Replacement for UASI Purchased Equipment. This will cover the costs associated with maintaining, replacing and repairing UASI purchased equipment.	\$50,000.00



Project Title	Description	Amount Requested
Fire Vessel Maintenance	UASI Fire Vessel Maintenance & Equipment. This funding will sustain the 48ft fire boat and 27ft dive boat purchased under UASI to support public safety, firefighting operations, urban search and rescue and emergency medical operations for homeland security-related threats/activities on the waterways.	\$100,000.00
Training-Medical preparedness and response to bombings	Medical Preparedness and Response to Bombings. This project will train personnel in techniques designed as a result of the London Subway bombing (pre and post event). Will focus on commonly used explosives, bombing injuries and treatment.	\$60,000.00
Training - Structural Collapse	Incident Command for Structural Collapse Incidents. The ICS for Structural Collapse Incidents course is designed to provide fire officers with an understanding of command operations at a structural collapse incident. This course mirrors the course of the same name developed by the National Fire Academy in Emmitsburg, Maryland. This course is designed to ensure that Incident Commanders (IC) have an understanding of how the Incident Command System can be applied to large and small structural collapse incidents. This course is designed to provide members of a command staff with the knowledge, skills, and abilities to perform leadership at structural collapse scenes due to natural disasters or terrorist incidents. This course is specifically designed for participants who already have an understanding of the Incident Command System (ICS) and builds upon the ICS 100 and 200 level training. This course is 100% classroom. The purpose of this course is to provide fire command officers or individuals who have statutory authority/responsibility and may serve in a unified command structure at a structural collapse incident. This course provides the participants with the understanding of the key elements of a structural collapse, demonstrate a working knowledge of Incident Command System (ICS) procedures and organization; identify various resource levels, types and capabilities; identify critical cues/issues that affect collapse scene management; identify unique operational considerations for a collapse incident; and	\$80,000.00
Mobile Command Vehicle Sustainment	Mobile Command Vehicle Sustainment. This project will cover the costs associated with sustaining technology contained in the UASI purchase Mobile Command Unit.	\$5,000.00
Fire Officer Operations at CBRNE Emergencies	Fire Officer Operations at CBRNE Emergencies. To prepare fire officers for command and control of CBRNE related emergencies.	\$60,000.00
FDNY Special Ops Symposium	FDNY Special Ops Symposium. Learn techniques to deal with terrorism events and other CBRNE related operations	\$15,000.00
RND course	Radiological/Nuclear Detection Course. Fundamentals of radiation, radioactive materials, ionization and contamination. Focuses on possible health effects, hazard identification and proper notification.	\$30,000.00

<b>Project Title</b>	<b>Description</b>	<b>Amount Requested</b>
Bidirectional Amplifier	Bidirectional Amplifier for Jackson Memorial Hospital Trauma Center. Amplifies radio signals in JMH to provide better coverage and ability for Medical Control to communicate with field units. Will also improve MPD ability to communicate in all areas of the Trauma Center. Should also work for MDPD or any other 800Mhz radio system user such as Miami Beach or Hialeah.	\$75,000.00
Planning, Training & Exercise	P,T&E (To be able to plan, train and exercise so that the City of Miami will be able to identify, provide for mitigation, respond to and recover from any potential terrorist activity.)	\$97,350.00
CCTV Surveillance- Miami PD	Law Enforcement Surveillance (CCTV) (The Closed Circuit TV project will allow the Miami Police Department the opportunity to deploy CCTV equipment in the area of soft targets and enhance our ability to deter and investigate terrorist activity.)	\$352,650.00
Equipment Maintenance	Maintenance and Sustainment (This funding will be used to keep grant funded equipment in working order so that we will have a functioning capability to use equipment purchased to respond effectively to terrorist activity.)	\$25,000.00
CI/KR Protection	Critical Infrastructure and Key Resource Protection Project. This project will involve purchasing equipment to fortify the security measures of the City of Coral Springs government facilities, emergency operations center, and regional training facility which is its location for employee sheltering as well as succession planned location as a back up to its municipal emergency operations center. Specifically, the cameras, computer equipment and proxima card systems assist with threat assessment and monitoring, critical response and communications during an emergency, investigations, identify and track employee and visitor access and locations, along with accountability to prevention efforts and safety initiatives for residents, visitors and employees.	\$219,813.05
Business & Community Partners Against Terrorism	Business & Community Partners Against Terrorism. The Business/Community Partners Against Terrorism Program is designed to forge close two-way relationships between the Sheriff's Office and important elements in the county's private sector communities, including: 1) key representatives of the business communities that contribute to the Critical Infrastructure and Key Resources Project (CI/KR), and 2) private community organizations' representatives such as homeowners associations, condominium and coop boards, gated communities, etc. The guiding framework for this initiative derives from materials developed by DHS.	\$30,000.00
Waterborne Enhanced Capability	Waterborne Enhanced Capability. The Waterborne Response Team will enhance EOD Capability by acquiring Point Blank Ballistic Blankets, which can be rapidly deployed on our patrol boats for immediate bullet or fragmentation protection during high risk and hazardous situations.	\$15,000.00

Project Title	Description	Amount Requested
EOD Enhanced Capability	EOD Enhanced Capability. The PBSO Bomb Squad is a Type I Team (a FBI accredited Bomb Squad) capable of handling multiple/simultaneous incidents and we part of the Region 7 Bomb Team. We are requesting funds to enhance our EOD's capability by acquiring the Power Hawk, a multi-purpose interchangeable spreader & cutter tool that uses non-energetic methods for responding to various threats and operations including VBIED, PBIED, suspicious packages and devices, hostage rescue, and more. This new remote capability tool has been successfully integrated onto REMOTEC's highly versatile Andros F6A/B, Wolverine and 5A1 robots for remote spreading, cutting, and crushing operations. The Power Hawk will be utilized on PBSO's Andros F6A Robot. The Power Hawk would be available anywhere in the Region, to any requesting bomb squad.	\$29,684.00
Palm Beach Reg Fusion Ctr	Palm Beach Regional Fusion Center. The project is continuation funding for the Palm Beach Regional Fusion Centers to enhance information collection, analysis, and dissemination. This center is the primary authors of the area's Risk Assessments. The Center has increased the analytical capability of the region. The PBRFC maintains the Virtual Fusion Center, the primary vehicle for information collection, analysis, and sharing within the region.	\$60,000.00
CI monitoring & protection	Critical Infrastructure Monitoring & Protection. Funds will be used to continue to enhance and protect Palm Beach County's critical infrastructure facilities and key resources with enhanced security equipment and technology.	\$73,498.80
CI/KR Assessments	the use of the DHS ACAMS system, the Palm Beach County's Critical Infrastructure/Key Resources (CI/KR) project will 1) identify, prioritize, and assess the vulnerability of Palm Beach County's critical infrastructure and assets as defined by the National Infrastructure Protection Plan and the 2010 Taxonomy; 2) identify significant and specific security enhancements for the protection of those critical infrastructures and resources in Palm Beach County; and 3) provide a timely warning and ensure the protection of those infrastructures and assets that face a specific imminent threat through the use of the Department of Homeland Security Office of Infrastructure Protection, the Southeast Regional Fusion Center, and the Business Partners Against Terrorism Program.	\$36,000.00
Sustain Satellite Phones	Sustain Satellite Phones. Previous Urban Area Security Initiative (UASI) has driven the safety for personnel emergency responders and the citizens we protect. The equipment and training must stay current to provide the most efficient and expedited response to any emergency.	\$12,320.00
Responder Training	Sustain Responder Training. Previous Urban Area Security Initiative (UASI) has driven the safety for personnel emergency responders and the citizens we protect. The equipment and training must stay current to provide the most efficient and expedited response to any emergency.	\$17,550.00

Project Title	Description	Amount Requested
EOC Satellite Phones	EOC FIX Satellite Phones. Fixed Satellite communications services in Emergency Operations Center and Satellite locations.	\$50,561.00
Satellite Communications Equipment	Satellite Communications Equipment for inclusion in the Region 7 Mobile Emergency Radio System Trailer Cache. The equipment consists of a transportable mobile broadband communications TracStar system that provides high speed digital communications, high speed internet access and voice and data communications. The system is suitcase transportable and can be set up where needed to support communications for multiple disciplines.	\$42,017.00
CERT Training	CERT Training. Throughout the year, the City of Fort Lauderdale CERT graduates help their communities prepare for disasters and during response and recovery, they assist their communities and if interested, then fulfill unmet missions the City assigned to them. CERT is a strong resource for local government so their recruitment, training, exercising, provision of supplies and equipment, and continuing education is critical.	\$37,443.42
Interoperable Comm Gateway	Interoperable Communications Gateway. This project address critical interoperable communications capabilities needs within RDSTF 7. The project would provide the ability to integrate/interconnect talkgroups on P-25 Digital Trunked and 3600 Baud Analog Trunked System. This would provide a must needed capacity for multi-agency response to a multi-jurisdictional and multi-disciplinary response.	\$71,797.00
EOC Management - equipment	Emergency Operations Center Management. The City of Fort Lauderdale maintains its own Emergency Operations Center (EOC). EOC equipment and capabilities must be continuously upgraded and enhanced to take advantage of new technologies and ever changing hazards and threats.	\$35,000.00
Monroe 800 MHz Radios	Monroe 800 MHz Radios. This project is to purchase and transition first responders to 700/800 MHz trunked individual portable radio transceivers which are intrinsically safe, submersible, P25 complaint, digital and analog capable. These radios will be distributed to EMS and LE personnel to replace outdated 400 MHz radios and enhance interoperable communications within Monroe County and Region 7 during a terrorist event.	\$176,743.72
CBRNE Training	CBRNE Training for Police and Fire. Medical and first responder training (patient decon, medical stabilization and scene management). Courses will be selected off of the approved state training list.	\$115,791.84
Portable License Plate Reader	Portable License Plate Reader System. The Hollywood Police Department seeks to enhance the overall protection of the general public, critical infrastructure and enhance criminal suspect identification, arrest, solvability and prosecution through the use of License Plate Readers (LPR) static systems.	\$150,000.00

Project Title	Description	Amount Requested
Rapid ID scanners	Rapid ID Fingerprint Scanners. The Hollywood Police Department seeks to enhance the overall protection of the general public, through the utilization of Rapid ID fingerprint scanners. These mobile, bluetooth fingerprint devices will enable Officers to identify criminal suspects in a field environment. Additionally, the device is capable of identifying decedents. The devices are linked to FCIC/NCIC databases, as well as the FBI's Repository for Individuals of Special Concern (RISP).	\$42,937.99
EOC Planning Training and	EOC Enhancement-Planning, Training and Exercise. The City of Hollywood's Emergency Management Program is administered through the Police Department under the direction of the City Manager. As such, training, exercising and relative conference attendance is critical to maintain the program in its current state. Grant funding will be utilized specifically for key Emergency Management personnel citywide for training attendance, training hosting, certifications as applicable, exercise hosting and attendance and backfill as needed. Additionally, funding will be utilized to maintain future municipal EOC programs as identified and needed.	\$30,000.00
WebEOC	Incident Management System Communication Enhancements. WebEOC software application upgrades will be sought for WebEOC Mapper and WebEOC Resource Manager, which will enhance the operational capacity of the city response by adding critical location identification and visual assessment along with GIS interface collaboration. WebEOC Resource Manager will enhance the logistics execution within an operation as critical city assets can be more effectively tracked and monitored. Additionally, this project will involve the costs associated with renewing the WebEOC license with the vendor ESI, Inc so that Miramar can continue to use the WebEOC application.	\$50,100.00
Miramar EM Planner	Miramar Emergency Management Planner. Miramar Emergency Management Planner - this position will develop the city's emergency management plans, coordinate with city departments to develop their response operation procedures, Continuity of Operations Plan (COOP), and act as a liaison to the county EM division and coordinate with County, State and Federal partner agencies.	\$65,000.00
Miramar Citizen Corps Program	Miramar Citizen Corps Program Development & Sustainment. The Miramar Citizen Corps Council provides citizens and community leaders living in the City of Miramar an organized way of volunteering with one of the several volunteer programs available in the city. These volunteer programs work to prepare individuals, families, neighborhoods, schools and businesses for the next disaster and respond to natural or man made emergencies that affect our community. The City of Miramar's Citizen Corps Council will promote and strengthen the Citizen Corps programs at the community level, such as Volunteers in Police Service program, Community Emergency Response Teams (CERT) and Neighborhood Watch program.	\$10,000.00

Project Title	Description	Amount Requested
Miramar EOC	requesting funding to establish an Emergency Operations Center (EOC) that will serve the needs of 125,000 residents in the event of a natural or manmade disaster. The Miramar EOC would have communication/collaboration with the Broward County EOC and Regional EOCs in South Florida in a disaster. The funding requested is for equipment purchases needed to create an EOC for the city. Currently the city operates an EOC from an existing Fire Rescue Station which is not sufficiently equipped and also does not have the adequate space to house the staff needed to run an EOC in an emergency. The current city EOC equipment is insufficient to meet the needs of the citizens of the city and not adequate for coordination with County emergency operations and NIMS procedures.	\$95,023.06
Hialeah PD Training and Exercise for Field Force Maneuvers	Field Force Maneuvers Training & Exercise OT/Backfill. The Hialeah Police Department responds to civil and domestic threat events. To that end, the department wishes to train its patrol division in field force maneuvers and applications in order to effectively address any such threat. This requires a two-day training class. The department wishes to train its 160 officer patrol force. The training will result in back-fill overtime for the patrol division. In order to train the entire patrol division, this would require six (6) training sessions. Each training session would result in backfill overtime.	\$40,000.00
LPR Planner	LPR Planner Sustainment. Sustainment funding for a License Plate Reader Planner for Hialeah.	\$50,000.00
Active Shooter Training	Active Shooter Training. Simmunitions to be used for Active Shooter Training only.	\$10,000.00
EOC Planner sustainment	EOC Planner Sustainment. Continued sustainment of the Planning Coordinator who is responsible for the planning, promotion, direction and evaluation of the City's CBRNE and all hazards capabilities. This position assures a close collaboration amongst regional, state, and federal agencies. The Planning Coordinator spearheads the City's on-going compliance with the implementation and sustainment of the National Incident Management System and the National Response Plan.	\$50,000.00
Mobile Data Terminals	Mobile Data Terminals. The mobile data terminals will enhance the city of Hialeah Police and Fire Departments interoperable communications and field intelligence capabilities through the field deployment of mobile data terminals that will allow for greater access to and the dissemination of vital information such as wanted subjects, and direct communication with county, state and federal agencies.	\$75,000.00
Sustainment of CCTV Surveillance	Sustainment CCTV Surveillance. Provides necessary hardware to sustain CCTV system at the Hialeah Fire Department.	\$20,000.00

Project Title	Description	Amount Requested
Fixed License Plate Readers	Fixed License Plate Readers. Fixed license plate readers allow for the collection of intelligence directly related to crimes by recording photographs and license plate numbers of vehicles that have just perpetrated crimes. These license plate readers are to be permanently affixed to the ingress and egress points of the jurisdiction. The city of Hialeah would install the readers at approximately 10 (ten) points of egress in our city.	\$125,000.00
tactical carrier vests	Tactical Carrier Vests. Tactical Carrier Vests offer the ability to house full ballistic body armor. These vests give officers the ability to place front and back plate protection against higher caliber weapons. The Hialeah Police Department would like to outfit it's Criminal Investigations Teams who respond to critical incidents as first responders. The vests would greatly afford these officers with a much higher degree of portability, and would house all the equipment needed to address high level threats. There are a total of 78 officers who fall within this category.	\$10,000.00
CERT Training	CERT Training. CERT Training and equipment.	\$25,000.00
Equipment maintenance	Repair & Maintenance for UASI Purchased Equipment. Maintenance on equipment acquired through UASI.	\$30,000.00
Target Hardening - Hialeah Fire Admin building	Target Hardening Fire, Police, City Hall. Physical Access Control for the City of Hialeah Fire Administration Building. Upon completion of this project, the outcome will result in the enhancement and improvement of target hardening of Fire Department Headquarters. The project will secure and restrict access to the Fire Department Headquarters and the City's Public Communications Center.	\$157,134.00
Mobile Command Vehicle Sustainment	Mobile Command Vehicle Sustainment. This project will strengthen the response capabilities of the Hialeah Fire, Police, and Emergency Management by having the ability to sustain the Mobile Command Vehicle assets such as; Satellite voice and internet capability, interoperable communications capabilities, and work areas.	\$30,000.00
Interop Comm Radios	Interoperable Communications Radios. Portable radios and associated equipment for Hialeah Police and Fire.	\$175,000.00
Mobile Data Terminals Connectivity	Mobile Data Terminals Connectivity. Mobile computer devices, usually mounted permanently in vehicle, operating form DC power supply. Used for data upload and download, as well as local data entry. Connectivity to be built in or provided by secured air card connection.	\$50,000.14

Project Title	Description	Amount Requested
TALON Robot	TALON Generation IV Robot. The acquisition of this equipment will provide enhanced security and safety to law enforcement and first responder personnel conducting high risk operations. The remote-controlled, autonomous two-way data- capable Robot platform with audio & video protocols, will enable enhanced joint and regional response law enforcement operations within the UASI to record audio and video within target locations during CBRNE and other high risk operations; perform enclosure breaches; and deploy non-lethal diversionary devices and chemicals; Enhanced personnel security and safety, as well as environmental health issue remediation, will be substantially increased. The provision of additional technical capabilities during CBRNE and other extremely high-risk operations are the Target Capabilities enhancements provided by this Project equipment acquisition.	\$220,900.50
Planning for Whole Community	Planning for the Whole Community - FNSS Support Package. This is a new project which will enhance planning for the Whole Community by integrating and coordinating emergency preparedness, response and recovery for children and adults with disabilities and others with access and functional needs. Project funding will be used to purchase seven Functional Needs Support Services (FNSS) Shelter Support Caches, FNSS training for emergency management stakeholders, and one Whole Community Planner position.	\$243,328.53
Database Upgrade	Database Upgrade: Palm Beach County's Division of Emergency Management's (PBC DEM) database of its citizens has not been upgraded since 2005. This database is used to notify citizens using the Dialogic NXT and GEOCAST programs during an incident or event. Our current database only reaches Palm Beach County Residents who have opted in to the system or who have not changed addresses since 2005. Purchasing this database will allow PBC DEM the ability to communicate with more citizens during an incident or event.	\$142,507.60
Night Vision	Night Vision. Boynton Beach Police Department's Tier 2 SWAT team is in need of night vision equipment to enhance their efforts in countering terrorism. Having the ability to see in the dark or in low light conditions will provide SWAT members a huge advantage over someone without a light or similar technology. This will allow for better operational safety and efficiency.	\$21, 996
Surveillance Cameras	Surveillance Cameras. The Boynton Beach Police Department will install video surveillance equipment to the exterior of the city hall/police department complex which also houses the communications center for both the police and fire departments.	\$29,000.20



Project Title	Description	Amount Requested
Computer Forensic Crime Lab	Forensic Crime Lab. This project will establish a Single Digital Forensic Workstation which incorporates the acquisition of computer hardware and software assets for the use of counter-terrorism measures. Equipment to be purchased includes stationary and portable Forensic Recovery of Evidence Device/computers that will be used for the discovery, analysis and dissemination of any local and regional intelligence regarding terrorism in efforts to prevent any terrorist acts.	\$22,675.00
Dialogic Upgrade	Dialogic Upgrade. Prior to, during, and after an incident/event it is imperative that we have the capability to keep the public informed. Palm Beach County's Division of Emergency Management currently uses the Dialogic NXT COMMUNICATOR and GEOCAST WEB. We utilize this system to notify both residents and governmental agencies separately or simultaneously and for varying reasons using multiple methods of critical information prior to, during or after an event/incident. Upgrading Dialogic NXT and GEOCAST will allow Palm Beach County's Division of Emergency Management the ability to deliver information to its citizenry and public officials in a timely and efficient manner.	\$50,000.00
SWAT Type III	the Sunrise Police SWAT Team to the operational readiness standards of a DHS Type III SWAT Team. This training will enhance the response capabilities of the Sunrise Police Department and the region in the event of a CRBNE terrorist attack.  The Type III training involves extensive use of Personal Protective Equipment in simulated CRBNE environments. In order to successfully complete this training, the Sunrise Police Department must replace the SWAT Team's aging PPE gear with a MT94 (Multi-Threat) ensemble protective suit and FM53 protective mask. This equipment will also be deployed in an operational capacity upon the completion of training.	\$175,412.00
Sunrise Fire Rescue Detection & Protection	Sunrise Fire Rescue Detection and Protection. This project will provide all Sunrise Fire Department Engine and Ladder companies to detect flammable and toxic atmospheres at the first responder level, in conjunction with existing radiological detection. Such equipment will permit first responders to such high target venues such as the Broward Arena (Bank Atlantic Center) and Sawgrass Mills Mall to effect rapid threat assessment, guide PPE selection, and permit rapid entry to rescue, remove, and/or decontaminate victims of a terrorist (CBRNE) attack. The addition of 6 Level A Vapor Protective Suits will permit entries into atmospheres which exceed the protection of Structural Firefighting PPE, and allow for more complex mitigative measures from a CBRNE release.	\$30,517.51

Project Title	Description	Amount Requested
Command Vehicle enclosure	Command Vehicle Enclosure. The purpose of this project is to enclose the vehicle bay that houses the Incident Command Vehicle. Currently, the Incident Command Vehicle is housed in a partially enclosed vehicle bay at the Sunrise Public Safety Building. This command vehicle, which was purchased through UASI funding, is exposed to potential vehicular damage, inclement weather, act of vandalism or sabotage. The Department's strategic plan is to ensure that the vehicle is kept in an exceptional state of operational readiness in order to maintain its response capabilities to CRBNE attacks on its critical infrastructure and key resources.	\$34,550.00
SEFFC Intelligence Data Sharing/Collaboration	SEFFC Intelligence Data Sharing/Collaboration of Analytics. Southeast Florida Fusion Center (SEFFC) Collaboration and Analytics software to establish identity and relationship and/or association with subject, victims and other related parties Enabling multiple silos to share and leverage data to gain insight in a manner that never exposes sensitive information as the identity and association is established. This system will provide the police officer/first responder with the ability to develop a context accumulating analytics such as a RAP Sheet to integrate the disparate data sources that are critical to the police officers as it relates to officer safety.	\$200,000.00
SEFFC Awareness Project	order to support the statewide launch of the "If You See Something, Say Something" public awareness campaign, the Miami-Dade Police Department Homeland Security Bureau is requesting funds to conduct an effective public awareness campaign. The public awareness campaign will align with the federal message/campaign from the US DHS. To ensure broad coverage, the campaign will utilize technology mass media, including e-bill boards and other forms of electronic messaging, in addition to print media. Partnerships with primary transportation hubs will facilitate the message broadcast, such as the Port of Miami, Miami International Airport, and Miami-Dade Transit. The campaign will also draw upon the Miami-Dade Police Department's media bureau via full use of broadcast media outlets.	\$74,972.00
Smart Board Techn	Training. The ability to effectively train local, state, and national response teams with respect to the National Incident Management System, Incident Command System, Major Scene Management in Chemical, Biological, Radiological, and Nuclear incidents is vital. Funding will upgrade the incident training center/situation room with Smart Board technology to ensure technology based training capacity, and to serve as secondary command center. The technology upgrades will allow integration of vital data for real time training providing the Region with an improved technology training system (using data links with the SEFL Fusion Center, License Plate Reader, and other critical data). The training system will continue to be available to the Region, weekly or as needed, for training, secondary command post, and logistics tracking.	\$101,990.21

Project Title	Description	Amount Requested
Whole Community Preparedness Planning	<p>Whole Community Preparedness Planning. This project will continue to work on planning activities for the entire County, incorporating the Whole Community concept into Emergency Management focusing significantly on collaboration, preparedness, and communications activities . Using the Federal Emergency Management Agencies Comprehensive Preparedness Guide (CPG) 101, as well as other reference and guidance tools to both bring in non-governmental stakeholders and non-traditional governmental stakeholders into a cohesive sustainable emergency management program.</p> <p>This project will also sustain the EM Specialist position (originally funded under FY07) focusing on communications interoperability protocols and solutions and local geospatial data systems and developing and enhancing emergency</p>	\$331,972.00
S FL CAD Interoperability	<p>South Florida CAD InterOperability Communications Project. Implement a CAD Interoperability system that allows local and regional jurisdictions to connect via IP interface to a central location permitting the sharing of data, such as available resources for closest unit response and CAD back-up should a jurisdiction need to implement a continuity of operations plan (COOP). This system will link disparate CAD systems providing a data sharing platform capable of future expansion to include Law Enforcement and other Public Safety related systems. This system will also allow for regional and county-wide real time visibility of Emergency Response resource status, enabling greater coordination with emergency management and other public safety support agencies.</p>	\$451,972.10
MDPD Rapid Deployment Force Sustainment	<p>MDPD Rapid Deployment Force Sustainment Project: The Rapid Deployment Force (RDF) is a multi-agency regional response unit which responds to critical incidents and emergency requests for assistance wherever needed. The RDF is currently comprised of officers and firefighters from Miami-Dade, Broward, Monroe, and Collier Counties. RDF members receive extensive training and are used in a variety of missions which include terrorism response operations, WMD and CBRNE response operations, natural and man-made disasters, post-blast EOD support, civil disturbances, and humanitarian aid missions.</p> <p>This project will upgrade equipment currently in use by the RDF and enhance both officer safety levels and unit effectiveness during RDF missions. The project includes tactical helmets, ballistic face shields, and voice amplification systems needed for gas masks. The need for this equipment has been identified based on lessons learned from previous RDF deployments and missions.</p>	\$75,010.00

Project Title	Description	Amount Requested
Countywide Public Alert &	Countywide Public Alert & Notification System. Miami-Dade County will continue to support it's enhanced Public Alert and Warning System, originally funded in UASI FY09 to reach as many end users as possible through the use of SMS (Text) Messaging Services, email, voice, and web services to ensure for redundant and diverse multilingual communications in an emergency and/or disaster. This is a vendor hosted system that incorporated all of the services mentioned into a single interface. This system directly impacts the county's Whole Community Emergency Management approach by reaching a variety of disparate populations using as many means of communications as possible, in a variety of languages.	\$120,000.00
MDFR hq Video Security System	MDFR HQ Video Security System. The facility, commonly known as the Miami-Dade Fire Rescue Headquarters (MDFR) houses the Fire-Rescue Departments Administration, the County's Emergency Operations Center and Emergency Management Administration, as the Southeast Florida Regional Fusion Center and Miami-Dade Police's Homeland Security Bureau. This project will protect this high priority critical infrastructure that serves as the nerve center for Miami-Dade County's Public Safety through the acquisition and installation of a state of the are security cameras and monitoring system for the entire facility / campus.	\$250,000.00
IR Laser Sighting system	IR Laser Sighting System. A highly collimated beam of infrared energy for weapon aiming and an adjustable focus infrared beam for target illumination. This Class 3b laser device will provide SWAT Operators a highly collimated beam of visible energy for weapon aiming.	\$11,000.00
FRT Protection level upgrade	FRT Protection Level Upgrade. The project will equip the Broward Sheriff's Office Crime Scene Unit personnel with six (6) sets of SCBA equipment and Level A (Law Enforcement Response Level 1 (LERL-1) ) PPE.	\$69,300.00
Video Ray Radiation Detector	Video Ray Radiation Detector. The Radiation Detector for the Video Ray Pro 4 Series ROV mounts easily to the bottom of the sub and utilizes the 9-pin accessory port. A PC is required to read, plot and alarm upon the detection of radiation. All required software is supplied with the system. The system is sensitive to gamma radition and high energy x-rays.	\$6,000.00
Blue View 0900-130 Sonar System	Blue View P900-130 Sonar System with video. The system will allow for maximum efficiency in low visability situations. The compact size and ultra-wide field-of-view makes this the most efficient and effective forward looking imaging sonar system available today. By covering wide areas quickly, it minimizes the amount of time it takes to complete and inspection or search.	\$50,000.00
Night Vision	Night vision Goggles. A multifunctional night vision system that is Hand-held as a monocular; head-mounted or helmet-mounted as a single-eye goggle; or weapon-mounted as a night scope that will allow SWAT Operators the ability operate effectively during no or low light incidents.	\$17,500.00

Project Title	Description	Amount Requested
Emergency Operations/U	Emergency Operations/UCP Enhancements. To provide the necessary equipment and supplies to establish and maintain an Emergency Operation/Unified Command Post.	\$19,528.53
First Defender RM S3	First Defender RM S3. The First Defender RM S3 would greatly enhance the agency's ability to detect and identify unknown chemicals and suspected weapons of mass destruction. This type of technology will give us the ability to compare results from other detection equipment to give us a greater degree of confidence when determining actual threats.	\$65,000.00
Video Ray Cutter	Video Ray Cutter. The Video Ray Cutter has been specifically designed for use with either the Video Ray Pro 3 or 4. The Cutter uses the same 9 pin plug and play feature as other Video Ray Accessories so it is possible to use it in conjunction with sonars or other sensors.	\$5,000.00
EOC Section Training & V	EOC Section Training and WebEOC Workshops. EOC Section training and WebEOC Workshops for employees tasked with staffing the EOC during an emergency.	\$30,000.00
FLUSAR Training	FLUSAR Training.	\$75,000.00
Tactical Body Armor for S	Tactical Body Armor for SWAT Team & K9 Unit. Tactical body armor to protect the torso and extremities. This type of personal protective equipment will be used by personnel involved with tactical operations.	\$20,974.60
Respirators	Respirators. Air purifying, full face, tight-fitting negative pressure, CBRNE Respirator	\$12,500.00
Backfill for training	Backfill for Training	\$23,465.45
tactical Video Device	Tactical Video Device. Specialized video devices for tactical situations.	\$14,800.00
Miami Gardens SWAT & Canine	Miami Gardens Police SWAT and Canine. This project will enable the Miami Gardens Police Department to respond to critical incidents through the expansion of the City's SWAT Team capabilities. The proposed project will equip a team of 24 SWAT certified officers. Additionally, the MGPD will purchase an explosive detection canine. This resource will be available throughout the region to assist in explosive search and detection.  This project will enhance the capabilities of the Miami/Fort Lauderdale Region by increasing the number of special response trained personnel available for deployment in emergency operations and resources for explosive detection.	\$107,129.10
CERT training & equipment	CERT Program Training and Equipment, Citizen Notification. The MGPD will utilize these funds to recruit, train and equip a cadre of civilian volunteers who will participate in the City's CERT Program. Currently the City only has 10 active members and will utilize these funds to aggressively build the program in order to more effectively use civilian participation in preparedness and response. The final portion of funding will be utilized to purchase lighting towers for use in response and recovery efforts. This equipment will be readily available for use by any entity in the region.	\$20,000.00

<b>Project Title</b>	<b>Description</b>	<b>Amount Requested</b>
Code Red	Code Red. The MGPD has purchased and implemented the Code Red citizen emergency notification system. Funding from this project will be used to provide two years of service to the City's existing contract.	\$62,045.00
Lighting Towers	Lighting Towers. Funding will be utilized to purchase lighting towers for use in response and recovery efforts. This equipment will be readily available for use by any entity in the region.	\$30,000.00
Intelligence Fusion Analysis	Intelligence Fusion Analysis	\$345,000.00
Reg training & exercise Planner	Regional Training and Exercises Planner - this position includes the responsibilities of ensuring compliance with training courses as well as the coordination of necessary regional exercises.	\$65,000.00
WebEOC	WebEOC - Interoperable Communications software needed for regional info sharing during emergency operations as well as non-emergency situations to provide a platform for day-to-day regional info sharing and updates.	\$300,000.00
Reg. CI/KR Planner	Regional CI/KR Planner - Personnel to develop regional plans and assessments to identify overall growth and needs as well as promote regional collaboration.	\$75,000.00
Reg. Program Manager	Regional Program Manager. This position assists the Miami and Ft. Lauderdale with regional planning needs (e.g. drafting of investment justifications, coordination of UAWG meetings, development of annual budgets, etc.).	\$95,000.00
R-LEX Reg Coordinator/trainer	R-LEX Regional Coordinator/Trainer. This project will provide for a position to assist with the administration and training involved with this regional intelligence sharing system.	\$100,000.00
Citizen Corps Reg CERT Training	Citizen Corps Regional CERT Training. This project will assist various CERT teams through the region to provide equipment, overtime for instructor cost and train new recruited CERT members through the region- Miami Dade, Broward, Monore and Palm Beach.	\$90,000.00
Reg Citizen Corp Drill	Regional Citizen Corps Drill. To allow Citizen Corps volunteers to interact with each other and with first responders in real-time simulations, bringing teams together from across the region. This will allow citizens to learn and evaluate their abilities and exercise their skills. Drills will be held in each of the four counties in Region 7.	\$75,000.00

Project Title	Description	Amount Requested
Reg. Citizen Corps Symposium	Regional Citizen Corps Symposium. These events will address all components of Citizen Corps program and provide hands on training to increase the knowledge and life saving skills of volunteers. Events will be held in Palm Beach, Broward, and Miami-Dade Counties, bring together council partners in each county to increase the interaction between programs and agencies, thus building stronger partnerships with our communities. Monroe County will be partnering with Miami-Dade on this event.	\$75,000.00
Rebreathers and associated equipment	Rebreathers and other associated equipment. Purchase Rebreathers and other associated equipment to enhance the regional project currently underway. This equipment would assist all agencies in the South Florida region when responding to an incident location requiring an extended period of time with respiratory protection. These locations would include large below grade spaces that exist under hospitals, shopping malls and other large buildings, tunnel-like environments that exist in our sewer systems and responses to the cruise and cargo ships that sail in and out of South Florida on a daily basis. All South Florida Fire departments current use self contained breathing apparatus (SCBA) that offer between 30-45 minutes in a hazardous environment. When presented with an emergency in any of the above described locations, there is a need for an extended time frame just to reach the incident. With the current SCBA units crews could be forced to turn around before being able to	\$300,000.00
American Red Cross Training	American Red Cross Training. The American Red Cross will continue to offer disaster preparedness training including DEM materials county-wide with All Hazards Mitigation educational information to 75,000 households throughout the Miami/Ft. Lauderdale area covering tri-counties, serving Disaster training will be provided for 350 volunteers & staff for advanced disaster response procedures. This program will provide training materials for on-going training for new & existing volunteers, staff & leadership in disaster-related, planning & prevention courses. There will be shelter simulation exercises to prepare volunteers, staff & management to set up & manage a shelter/evacuation center	\$48,450.00
Reg. Personal Preparedness Survey	Regional Personal Preparedness Survey (CCP). In an effort to aggressively capture personal preparedness, civic engagement and community resilience on a regional basis for South Florida; it is important to conduct a survey so local emergency managers have a define scope of work and specifically targeted areas to better service. South Florida represents over 30% of the overall states population by 2009 estimates for Monroe, Miami-Dade, Broward and Palm Beach counties. This population of over 5.6 million people, which will surely increase with the results of the 2010 Census strongly suggest a sense of urgency for such a regional survey for "all hazards", and especially for one of the most critically hurricane prone and diverse populations in the United States.	\$75,000.00

Project Title	Description	Amount Requested
Glidescope	GlideScope. This is a portable video laryngoscope which will be used in on deployments by SMART 7 or any healthcare response within Region 7 that may need the use for intubation, direct laryngoscopy and many other indications.	\$11,915.00
Sonosite	Sonosite. This is a portable handheld ultrasound machine that will be used in on deployments by SMART 7 or any healthcare response within Region 7 that may need the use of ultrasound for many clinical incidences.	\$45,000.00
Reg P, T&E	Regional P, T&E. This project will fund regional planning, training and exercises for all jurisdictions and disciplines in the UASI Region. These projects will be coordinated through the Regional Project Manager and Regional Planning, Training and Exercise Coordinator.	\$170,975.00
	State M&A	\$289,386.78
	Miami UASI M&A	\$280,704.18
	<b>TOTAL</b>	<b>\$ 9,646,226</b>



Orlando UASI  
2012 Projects

Project Title	Description	Amount Requested
UASI HS Grant Planner	The UASI Planner main purpose is to build and sustain national preparedness capabilities in the Orlando/Orange UASI region through the enhancement of planning capabilities and program management under the Urban Area Security Initiative. This position ensures program compliance with Federal, State and Local requirements. Grant provides for salary, benefits, travel.	\$200,000
UASI Warehouse	Lease for warehouse space. The warehouse is the storage facility for UASI assets. The assets include response vehicles, mobile kitchens, a mobile bunkhouse, overt surveillance tower, generators, tents, support trucks, mobile JIC, jersey barricades and transport trailers.	\$50,000
Fusion Center - CFIX	CFIX serves as a focal point within the region for the receipt, analysis, gathering, and sharing of "all hazards" and threat-related information between local, state and private sector partners. \$128,000-CFIX planner's salary, full time cyber threat planner, develop cyber security plans, conduct cyber risk assessments, travel, supplies. \$280,000-Analysts salaries. \$76,000-Data access subscription, ACISS system, investigative charges, national vehicle locator, i2 notebook, GIS software, cell phones service, cybersecurity enhancement. \$1,000-Cybersecurity training	\$485,000

Orlando UASI  
2012 Projects

Trn & Exercise Plan update	The Training and Exercise plan must be updated annually to reflect the current needs of the UASI. The update is completed in conjunction with a Training & Exercise Plan Workshop. \$15,000-Contract planning council to update Training and Exercise Plan for the Orlando/Orange UASI region.	\$15,000
USAR	Risks & Vulnerabilities faced in the area associated with structural collapse, WMD-DBRNE incidents, wide area searches, heavy equipment operations, etc. will be reduced by sustaining the teams' current capabilities. \$177,500-Planner & Planning Logistics & Training activities for FL-TF4. Coordination of USAR UASI through Regional Planning Council. \$304,348-Items needed to sustain teams' current capabilities. \$67,000 for training	\$548,848
CBRNE Hazardous Materials Response	Funding to sustain 5 regional HazMat teams and 2 additional teams (Lake Co and Kissimmee/St. Cloud). \$126,500.00-Planner and coordination of HazMat UASI through the Regional Planning Council. \$476,923.00- Items needed to sustain teams' current capabilities. \$269,950 for training	\$873,373
Critical Comm Infrastructure Protection	Site Protection: \$71,600 to hire full or part-time staff or contractors to assist with planning activities; \$268,500 for Network & wide area digital, surveillance, warning access/intrusion control, training for equipment; \$17,900 exercises.	\$358,000

Orlando UASI  
2012 Projects

Reg Portable Satellite Systems	\$90,000-In order to regionally collaborate on information during an incident, 9 of each of these items need to be purchased. Portable satellite phone, full-service rental of satellite transponder time (includes truck & technician), satellite transponder time purchased by the hour, generators to keep them charged.	\$90,000
Medical Surge	To build out caches of equipment & supplies needed to support Alternate Medical Treatment sites in 6 counties and to complete the build out of the large Mass Casualty Trailer in Orange Co. \$220,000.00-Planner salaries, benefits, travel to medical meetings, and attend workshops	\$220,000
P25 Overlay	builds upon established and proven interoperable communications solutions that are used in day-to-day operations, planned events & large scale multi-agency responses. 100,000.00-Hiring of full or part-time staff or contractors/consultants to assist with planning activities. 375,000.00-In order to provide regional collaboration in the Orlando/Orange UASI region, a radio, wide area digital network, network bridging equipment, training on equipment need to be purchased. 25,000.00-to plan an exercise to identify gaps with interoperability equipment.	\$500,000
Support Implementation of the NIPP Phase VI	Phase VI of video surveillance - build out of video surveillance, base stations, and partnerships in strategic areas where CI has been identified. 1,500,000-Build out of wireless MESH technology, fiber cameras, fiber installation, and base stations.	\$1,500,000

Orlando UASI  
2012 Projects

E-Team management system	Regional resource tracking & logistics system	\$275,000
Reg Video Teleconferencing	Sustian current systems at each locaiton	\$111,991
Implementation of the NIPP Phase VII	continued buildout--750,000.00- Build out of wireless MESH technology and fiber cameras.	\$750,000
PRND	Procure radiological/nuclear detection equipment and provide training--personal rad detectors 7 training	\$174,000
VCSO Bomb Squad Robot	Large Robot that pull the Lareg Vehicle Countermeasure system	\$219,087
Reg Mobile Command Ctr	to replace 2 field command vehicles with one efficient command center. The new vehicle could be outfitted with latest technologies	\$1,000,000
<b>Total</b>		<b>\$7,370,299</b>

Tampa Bay UASI  
2012 Projects

Project Title	Description	Amount Requested
AmbuBus Evacuation Capability Enhancement	Ambulance Bus (AmbuBus) kits allow permanent conversion of a surplus transit bus into a 12 stretcher transport and temporary conversion of a school bus into an 18 stretcher transport. Use is two-fold: capacity for evacuation of healthcare facilities (Pinellas evacuates 129 healthcare facilities, including 6 hospitals in a minor hurricane); and for mass casualty transport. A PSTA bus can undergo temporary conversion in a 2-hour timeframe, equaling 15 ambulances in capacity. Conversion kits can be removed and reused (2 ea.). 12 stretcher conversion kits - \$29,330; and 18 stretcher conversion kits - \$46,161.	\$75,702.00
AVALEX Moving Map System	provide aerial surveillance and observational platforms for all responders and specialty team tactical operations. service agreements with AVALEX Technologies for a Mapping System configured on ten rotary-wing aircraft to include: aero charts, nautical charts, street data, topographic charts, and extended hardware warranty for recorders, splitters and keyboards.	\$29,032.00
Aviation Night Vision goggles	Night Vision Goggles are critical components used to enhance the capabilities of the Tampa Police Department Aviation Unit during all hazards/tactical operations.	\$24,000.00
Bulk Foam Carrier	The project addresses a need for rapid response to incidents involving flammable liquids in the ports and throughout the Tampa Bay Urban Area. It uses 3 "roll back assemblies" with Alcohol Resistive Foam totes (275 gallons/tote; 4 totes per roll back) and application equipment for large quantities of firefighting foam. Two of the systems will be placed on existing chassis' to provide product diversity between the port's flammable storage areas, as well as redundant systems. The requirement is due to changes in port storage tanks to Ethanol and the addition of rail access which necessitates different foam quantities, application rates, and deployment needs. 1 M2 Chassis at \$80,000 and 3 Rollback systems with assemblies at \$100,000.	\$180,000.00
CBRNE Detection-Backpack Detection Systems for region	Backpack detection systems enable law enforcement personnel to detect gamma and neutron radiation with a much higher degree of sensitivity than the PRDs currently in use. The backpacks will also allow law enforcement personnel to be inconspicuous and to mingle with the public at highly attended events such as county fairs, festivals, etc. (2 ea.).	\$80,000.00
CRENE Detection-Training (PRD & RIID)	It is essential that first responders acquire the proper training in order to utilize their equipment properly to protect citizens and visitors. 5 training sessions	\$10,000.00

Tampa Bay UASI  
2012 Projects

Project Title	Description	Amount Requested
CBRNE Detection-Mobile System w/ Gamma & Neutron Detection Capability for Tampa Port Authority	The mobile unit will provide the Tampa Port Authority the ability to detect gamma and neutron radiation with high sensitivity and the ability to identify radioisotope(s). The Tampa Port has a high volume of materials passing through it's area and this system has an enhanced detection capability over the PRDs that are currently in use. Also, the PRDs do not have neutron detection capability. Planned expenditures include Mirion Technologies SPIR Ident Mobile System (4 Liter Gamma & Neutron), 1 ea.	\$68,275.00
CBRNE Detection-RIID for Hernando Co SO	The purchase of this device allows Hernando County to meet the DNDO recommendation of 1 Radioisotope Identification Device (RIID) unit for every 10 Personal Radiation Detectors (PRDs). The RIID is necessary to identify the radioisotope that has been detected by a PRD.	\$15,724.00
Closed Circuit TV coverage of Hospital Property	Funding provides CCTV coverage in areas of the Florida Hospital Carrollwood that are not currently covered and are needed for the safety and security of hospital visitors, staff, and property. Closed Circuit Television (CCTV) Cameras (10 ea.); CCTV Monitors (2 ea.); and a 16 port DVR (1 ea.)	\$1,280.00
Citrus/Hernando Interoperable Digital Microwave System	purchase and installation of a Digital Microwave System at the Hernando County Sheriff's Office to include three existing Hernando County towers along with an existing tower in Citrus County. Funding will migrate a 16-year old analog microwave system in Hernando County to a digital platform and adds a interoperable microwave link to Citrus County for next phase P25 communication. The system also provides a vital link between the two counties for the sharing of a P25 core switch and will connect Citrus and Hernando County Sheriff's Offices for direct coordination in law enforcement activities.	\$990,000.00
E-Team Information Management System	Costs enable continued application of essential supporting technology for the E-Team Information Management System. The project continues license and maintenance fees for EOC operating systems. The Pinellas County EOC, along with the municipal EOCs, and the City of Tampa EOC use the E-Team Information Management System for situation awareness, logistics requests, and tracking as well as overall EOC internal communications and status reporting. E-Team provides the tools necessary to effectively manage every phase of a crisis in a single and intuitive system.	\$14,233.00
Hillsborough Co SO P25 Migration (stage 4 hase1)	Submission is for the Sheriff's Office's ongoing P25 Migration project and includes P25 Mobile Radio equipment for use with both a 700 MHz P25 trunked system and the Sheriff's Office's two existing 800 MHz trunked systems interconnected through Gateway for seamless interoperability.	\$1,501,617.00

Tampa Bay UASI  
2012 Projects

Project Title	Description	Amount Requested
Hospital Entrance Protection	Strategically install bollards in front of Florida Hospital Carrollwood entrances to protect the hospital, staff, and guests from harm caused by violent entry by motor vehicles. (35 bollards)	\$18,375.00
E-Sponder Incident Mgt System	Costs enable continued application of essential supporting technology for the E-Sponder Incident Management and Collaboration System. E-Sponder installation provides multi-jurisdictional/multi-agency collaboration, planning, recovery, and mitigation of emergency/special events whether man-made or natural. The application has been installed and used by the City of Tampa, Hillsborough County Sheriff's Office, Pasco County, Pinellas County Sheriff's Office, Tampa Police Department, and Temple Terrace Police Department. E-Sponder has been used in over six hundred emergencies, special events, and exercises to date. It is also the main collaboration tool used for the Urban Area Working Group, Regional SRD/SRO Intelligence, and the City of Tampa Special Events Office.	\$179,000.00
Information Sharing System	The WebEOC is a web-enabled, user-friendly and locally-configured incident and event management system. With access to the Internet, authorized emergency managers and first responders, regardless of location, can enter and view incident information on WebEOC status boards. WebEOC is a boundless collaboration tool that creates a common operating picture, enabling emergency managers to make more sound decisions quickly (2 separate systems w/1-year maintenance). Planned expenditures are for purchase, installation and maintenance of an information sharing system that will increase commonality for Emergency Management agencies in the Tampa Bay Urban Area.	\$245,086.00
Pasco Co Interoperable Communications (phase 1)	purchase and implementation of P25 standards based systems and equipment, and ensures technology is compatible with existing P25 systems being implemented throughout the region. Hillsborough and Pinellas Counties are currently in P25 Phase one recognized projects. Pasco County borders both counties to the north and becomes critical infrastructure for regional communications geographically as well as a path for critical communications. Pasco County contains over 800 cataloged assets, some of which are linked to utilities (water supply) to Hillsborough County (partial) and Pinellas County.	\$830,000.00

Tampa Bay UASI  
2012 Projects

Project Title	Description	Amount Requested
Personal Portable Monitor w/ Vehicle Kit	Equipment should include radioisotope identifiers and the ability to detect nuclear materials, such as uranium and plutonium. This equipment will be used to monitor vehicles at radiation monitoring stations. The vehicles to be monitored will be the general public that would have to evacuate from a ten-mile Emergency Planning Zone around the Crystal River Nuclear Plant. This station would be set up in the event of a radioactive material release from the Crystal River Nuclear Plant.	\$12,195.00
Program Planning Staff	Costs are for four UASI Program Planners (Strategy and Capability Assessment, Critical Infrastructure, Incident Management, and Risk Management). Planners are responsible for providing support needed to execute grant program requirements and to attain local, State, and National Homeland Security goals and objectives.	\$420,000.00
Regional Citizen Corps Council CERT Workshop	Funding is requested to plan and host a one and a half day Training Workshop for Citizen Corps partners and affiliates in the Tampa Bay Urban Area. The Workshop will include keynote speakers and breakout sessions on such topics as incident command, volunteer management, force multiplication strategies, and neighborhood mapping.	\$31,250.00
Regional Risk Mgt (Digital Sandbox 7)	Costs enable continued application of essential supporting technology for the risk management portal. Continuation of the Digital Sandbox 7 (DS7 - formerly Site Profiler/Risk Analysis Center) system allows for collection and assessment of critical infrastructure and provides mitigation strategies that reduce vulnerabilities to critical assets. The DS7 system enables: a well-defined and analytically supported view of risks and needs, information for decision makers to establish priorities, the allocation of resources, and an effective response to threats.	\$116,667.00
Regional Virtual Discovery & Classification (RVDC)	The idea behind RVDC is to utilize an ISP cloud based service to provide situational awareness for Information Security as it is directly related to each participating agency. This concept is simple; a cloud based vendor who is able to intercept most Internet traffic (a tier 1 provider with many peering points) will monitor the traffic flowing to and from each selected agency. Algorithms and Event Management will correlate this traffic to known bad traffic and alert an agency POC when suspect traffic is discovered. Reporting and a portal dashboard will provide real time situational awareness. By virtue of being cloud-based there is no onsite equipment required, no integration points and less chance of bypassing controls. Planned expenditures are for port scanners and other tools designed to identify security vulnerabilities on networks or individual host on target networks.	\$250,000.00



Tampa Bay UASI  
2012 Projects

Project Title	Description	Amount Requested
Sumter Co Interoperable Communications	The requested radios allow interoperability to be pushed down to the critical users. The county is currently limited to use on a SLERS system. The funded project will serve to expand the number of people that can communicate with State agencies and other responders that arrive when emergencies occur. The radios are P25 compliant (20 ea.).	\$73,080.00
Tampa Bay Security Network Maintenance & Support	Costs enable continued application of essential supporting technology for the Tampa Bay Security Network. COPLINK provides an effective information-sharing solution for data interoperability and advanced analytic capability to the majority of law enforcement agencies within the Tampa Bay Urban Area thus meeting the requirements for the Statewide data sharing solution.	\$390,000.00
Hospital Visitor Registration	Visitor management using authorization and monitoring to ensure the safety of all persons within the hospital and to secure critical areas is a mandatory operating requirement. Planned expenditures include a Visitor management system (VMS) - Visitor I.D scan and stick-on badge with photo (2 ea.).	\$31,400.00
Tampa Women's Hospital Perimeter Security upgrades	Funding is needed to upgrade the St. Joseph's Women's Hospital perimeter security system to provide a more secure building envelope in collaboration with the Hospital's current video system using advanced technology for threat assessment. The upgrade is provided by the addition of barriers positioned at key entrance points to the Hospital (33 ea.).	\$32,000.00
<b>TOTAL REQUESTED</b>		<b>\$5,618,916.00</b>

**Cost Estimate National Special Security Event Support to RNC 2012**

Position or Purpose	PAX	Computation(Pay and Benefits)	Cost
<b>A. Personnel (JTF-RNC, Task Forces, and JTF-FL)</b>			
<b>Command and Control</b>			
JTF-FL (State Command and Control Element, ST Augustine)	15	15 pax X \$260/day X 8 days	\$31,200
JTF-RNC (T32/T10 Dual Status Command Element, Tampa)	100	100 pax X \$260/day X 8 days	\$208,000
State Management Teams (2 teams x 8 personnel)	16	16 personnel X \$30/hour X 13 hours per day X 8 days	\$49,920.00
<b>Command and Control Totals</b>	<b>131</b>		<b>\$289,120</b>
<b>Missions</b>			
Broad Spectrum Security	500	500 pax X \$260/day X 8 days	\$1,040,000
Aviation Support	100	100 pax X \$260/day X 8 days	\$208,000
Civil Disturbance Support	500	500 pax X \$260/day X 8 days	\$1,040,000
Explosive Ordinance Detection and Disposal	40	500 pax X \$260/day X 8 days	\$83,200
Chemical, Biological and Nuclear Detection and Response	280	280 pax X \$260/day X 8 days	\$582,400
<b>Mission Totals</b>	<b>1420</b>		<b>\$2,953,600</b>
<b>Planner Support</b>			
JT-FL Planner	1	1 pax X \$260/day X 68 days	\$17,680
JTF-RNC Planner	2	2 pax X \$260/day X 68 days	\$35,360
<b>Total Planner Support Count and Cost</b>	<b>3</b>	<b>3 pax X \$260/day X 68 days</b>	<b>\$53,040</b>
<b>Total Personnel Count and Cost</b>	<b>1554</b>	<b>1535 pax X \$260/day X 8 days 3 pax X \$260/day X 68 days 16 pax X \$390/day X 8 days</b>	<b>\$3,295,760</b>

**B. Travel**

<b>Travel</b>			
JTF-FL and JTF-RNC Planners			
Attend monthly General Sessions and planning in Tampa	3	3 pax X \$200/day X 15 days	\$9,000
State Management Teams (2 x 8 pax) to and from Hillsborough Co	16	AVIS rental vans at \$36.75/day X 4 vans X 8 days	\$1,176.00
<b>Total Travel Count and Cost</b>	<b>19</b>	<b>3 pax X \$200/day X 60 days 4 pax/van X 4 vans X \$36.75/day X 8 days</b>	<b>\$10,176</b>

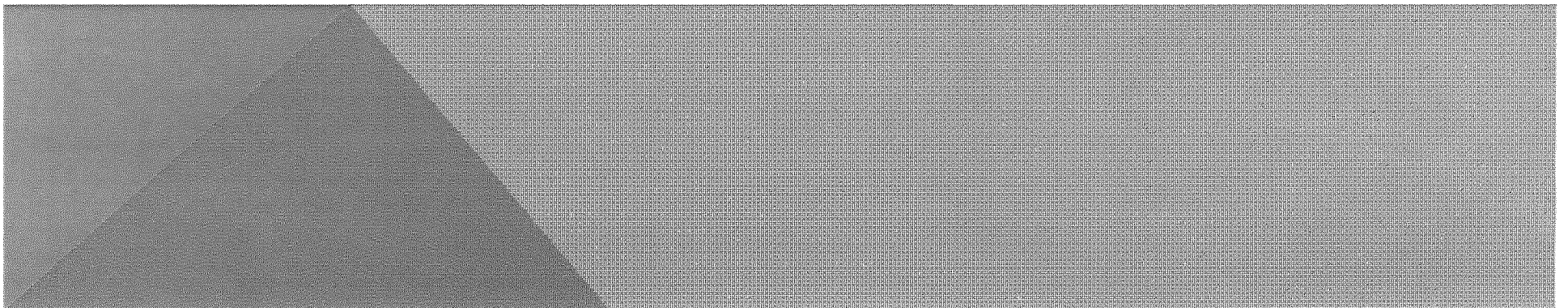
**C. Support (Maintenance, Fuel, Training, Meals and Lodging)**

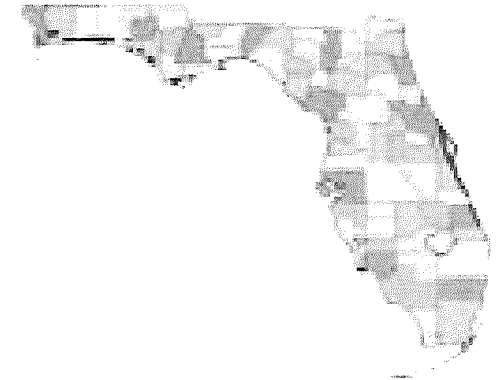
<b>Logistics Support (Fuel, Maintenance and Training)</b>			
Aviation (Fuel)	2 Afs	2 CH 47s at \$35,000/day X 4 days	\$280,000
Aviation(Maintenance)	2 Afs	2 CH 47s at \$5,000/day X 4 days	\$40,000
Ground Force (Fuel)	150 veh	150 military vehicles x 100 mi/day x 8 days	\$60,000
Ground Force (Maintenance)	150 veh	150 military vehicles X \$30 /day X 8 days	\$36,000
Ground Force (Training Teams)	50	50 pax X\$260/day X 10 days	\$130,000
Interagency Communication (Training Teams)	20	20 pax X \$260/day X 10 days	\$52,000
Interagency Communication (Maintenance)	15	15 pax X \$260/day X 10 days	\$39,000
<b>Tactical Transportation of Forces during RNC</b>			
Contracted Buses	750	40 pax/bus X \$1500/day X 5 days	\$140,625
<b>Logistics Support (Fuel, Maintenance and Training)</b>			
Fuel for AVIS rental vans		3.50/gallon X 25 gallon tank X 12 fill ups	\$1,050.00
Fuel for Mobile Command Vehicle		3.75 gal/50 gal / 6 fill-ups	\$1,125.00
Mobile Command Vehicle support (bandwidth, phone calls, etc)		1 month of enhanced bandwidth plus phone calls	\$1,500.00
<b>Lodging (Lodging, Meals, and Per Diem)</b>			
Hotel accommodations	16	\$150 per night / 8 nights	\$19,200.00
Meals	16	\$36 per person / 7 days	\$4,032.00
Per Diem	16	\$80 per person / final travel day (per state travel policy)	\$1,280.00
<b>Total Support Count and Cost</b>	<b>N/A</b>	<b>2 x CH 47 Aircraft, 150 tactical vehilces, 1538 pax SMT Logistical Support (fuel, lodging, per diem)</b>	<b>\$805,812</b>

Budget Category	Federal Amount
<b>A. Personnel</b>	<b>\$3,295,760</b>
<b>B. Travel</b>	<b>\$10,176</b>
<b>C. Support</b>	<b>\$805,812</b>
<b>Total Requested Federal Amount</b>	
<b>\$4,111,748</b>	



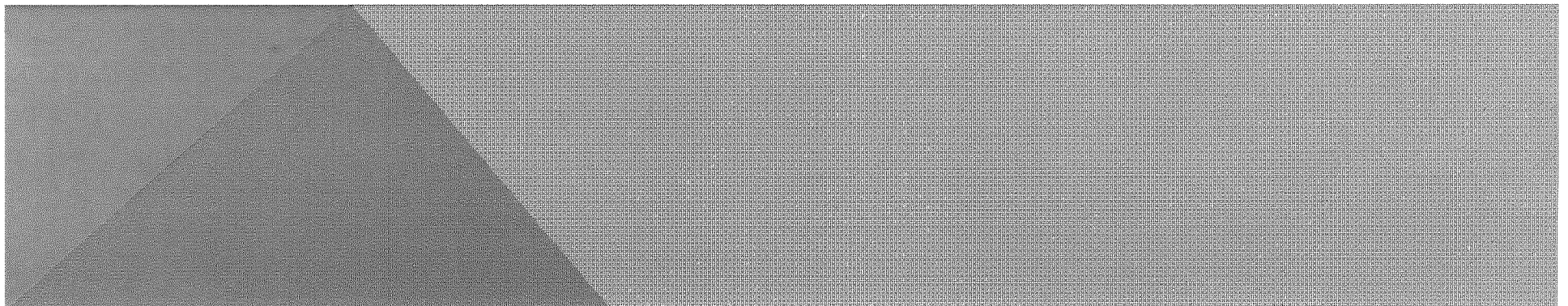
# **Re-Engineering The Supply Chain Model**

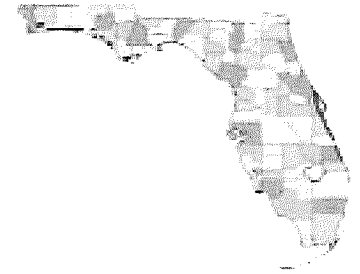




## **Who is LeeSar?**

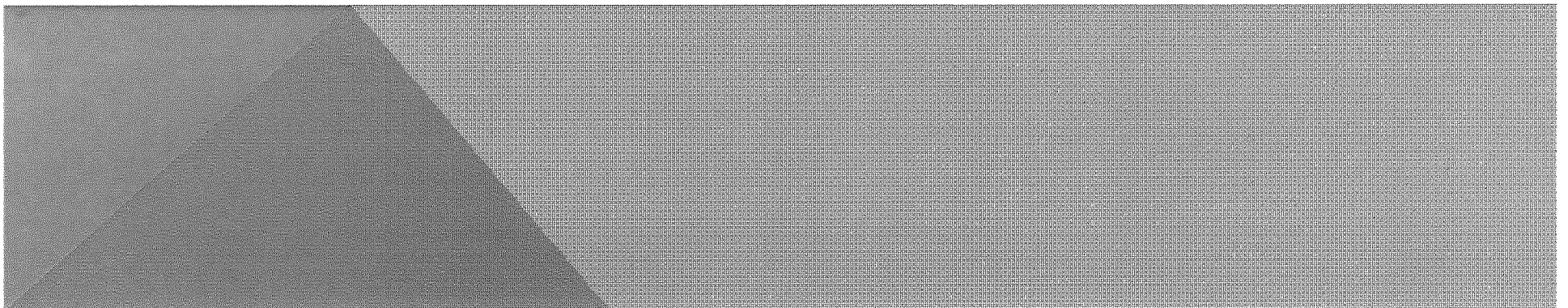
**LeeSar is a not for profit 501(C)(3)Regional Service Center, that was created to re-engineer the way supplies are received and distributed to healthcare providers.**





# **Who is Cooperative Services of Florida?**

**Cooperative Services of Florida is a non profit Florida corporation, that is a buying cooperative which was created to achieve the lowest possible acquisition cost of products and services.**







## SAVINGS BY FISCAL YEAR SUMMARY

Health System	FY07	FY08	FY09	FY10	FY11	Grand Total
Lee Memorial Health System	\$4,808,080	\$19,152,894	\$1,834,011	\$4,176,650	\$4,617,226	\$34,588,860
Sarasota Memorial Health Care System	\$2,838,240	\$1,177,197	\$1,428,237	\$2,065,427	\$1,434,600	\$8,943,702
Central Florida Health Alliance				\$1,906,915	\$2,573,301	\$4,480,216
Huntsville Hospital				\$786,702	\$3,190,809	\$3,977,511
<b>TOTALS</b>	<b>\$7,646,320</b>	<b>\$20,330,091</b>	<b>\$3,262,248</b>	<b>\$8,935,695</b>	<b>\$11,815,936</b>	<b>\$51,990,289</b>



## SELECT ITEM COMPARISON

Category	Description	State of Florida Price	CSF Price	% Difference
Advanced Wound Care	Dressing, Duo Derm	\$18.00	\$12.13	-32.61%
Needle & Syringe	Syringe, 12CC, Luer Lock Tip	\$7.65	\$4.13	-46.00%
Casting	Scotchcast Plus Casting Tape	\$42.25	\$24.53	-41.94%

# SAVINGS % BY CATEGORY

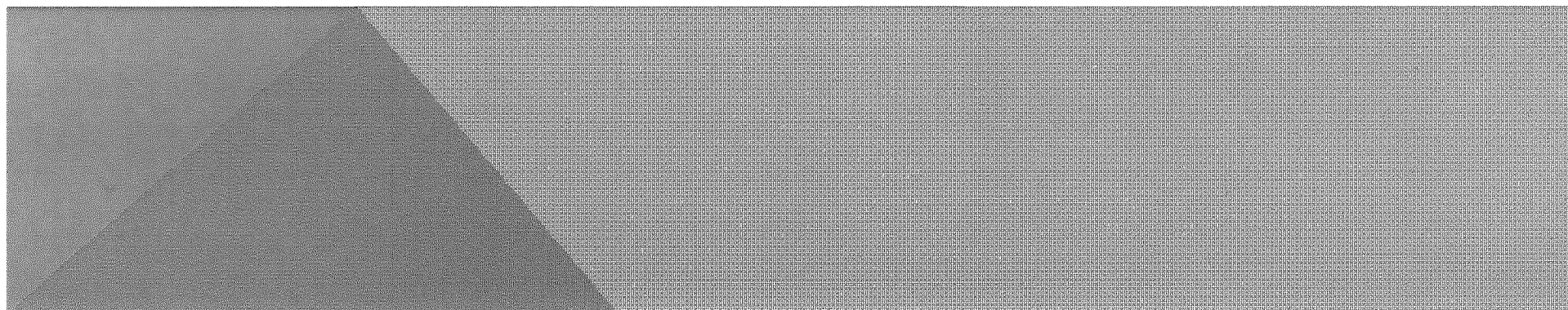
CATEGORY	NI +/- %
Advanced Wound Care	-17.96%
Casting	-36.63%
Fabric/Gown	-12.99%
Glove	-21.23%
Incontinence	-2.27%
Infusion	-36.01%
IV Set	-21.02%
IV Solution	-7.54%
Needle/Syringe	-22.70%
Ortho Soft Goods	-16.29%
Ostomy	-39.33%
Sharps	-15.40%
Wound Care	-14.85%
Other	-5.17%
<b>TOTAL AVERAGE %</b>	<b>-17.89%</b>





# **Pharmaceutical Repackaging Program**

**The LeeSar Pharmaceutical Repackaging Program re-packages solid and liquid drugs that are owned by our hospitals for a small packaging fee under the Rules and Regulations of the Florida Department of Public Health and the DEA.**



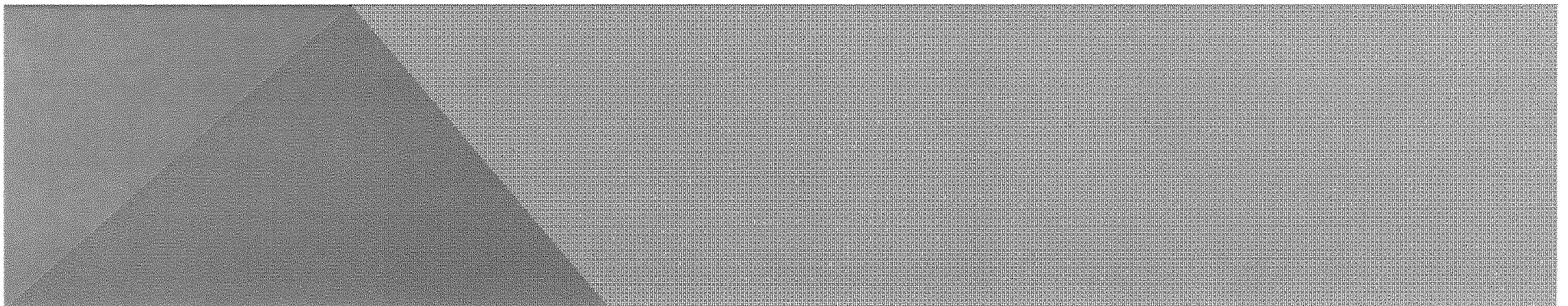


# Summary

**Cooperative Services of Florida (CSF) was created to:**

- **Lower costs**
- **Secure long term fixed pricing**
- **Control the destiny of our cost**

**We (CSF) believe that we can deliver the same value to the State of Florida by working together to lower the acquisition cost of medical supplies and drugs for the Florida Department of Corrections.**





Committee:

# **BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS**

Senator Fasano, Chair  
Senator Joyner, Vice Chair

## **Supplemental Meeting Packet Amendments filed before 2-hour Deadline**

Thursday, January 19, 2012

2:45—4:15 p.m.

Mallory Horne Committee Room, 37 Senate Office Building

# ***Florida's Domestic Security Funding Recommendations FY '12 – '13***



# Summary of Department of Homeland Security Funding Requested by Florida

*Fiscal Year 2012*

State Homeland Security Program (SHSP)	\$11,537,808
Urban Areas Security Initiative (UASI)	\$22,635,441
Metropolitan Medical Response Systems (MMRS)	\$1,971,851
Citizen Corps Program (CCP)	\$431,897
National Special Security Event Grant	\$4,111,748
<b>Total Funding Requested by Florida</b>	<b>\$40,688,745</b>



# Florida's 2012 Domestic Security Budget Recommendations

## **Project Title Allocation**

### ***Department of Agriculture and Consumer Services***

State Agricultural Response Team (SART) Support \$179,859  
Food & Agriculture Laboratory Maintenance Agreements &  
Security upgrades \$160,706  
US&R Hazmat IMT Training & Exercise \$50,000  
Mobile VACIS \$227,280

### ***Department of Education***

Mass Communication \$540,634  
K-20 Target Hardening/Access Control \$557,656

### ***Department of Management Services***

Florida Interoperability Network (FIN) \$1,000,000

### ***Department of Financial Services***

US&R Hazmat IMT Training & Exercise \$584,109  
US&R Hazmat Sustainment \$348,071  
MARC Interoperable Communications Sustainment \$95,097

### ***Department of Health***

Enhancement of Radiological Response \$120,000

### ***Department of Highway Safety and Motor Vehicles***

FL Driver License Biometric ID Facial Recog. System \$500,000

### ***Department of Military Affairs***

National Special Security Event Grant \$4,032,465

### ***Florida Wildlife Commission***

Law Enforcement Specialty Team Training and Exercise \$100,840

### ***Florida Department of Law Enforcement***

Critical Infrastructure (CI) Planners \$378,500  
Regional Fusion Centers \$48,100  
Florida Fusion Center \$295,000  
Statewide Datasharing \$517,245  
Law Enforcement Analyst Academy \$250,000  
Metadata Planners \$31,250  
Query Tool (dFACTS) for Combined Commercial Public  
Data & State Owned LE Data \$533,146  
Law Enforcement Sustainment, Maintenance and Planning \$400,000



# Florida's 2012 Domestic Security Budget Recommendations

## ***Division of Emergency Management***

Sustain EM RDSTF Planners \$494,400  
Local Planning, Training & Exercise \$993,999  
Regional Fusion Centers \$392,855  
Statewide Datasharing \$95,000  
Metadata Planners \$18,750  
Region 1 Critical Infrastructure \$39,651  
Region 2 Critical Infrastructure \$90,400  
Region 5 Critical Infrastructure - Maitland \$47,280  
Region 5 Critical Infrastructure - Daytona Beach \$59,899  
Region 5 Critical Infrastructure - Winter Springs \$71,617  
Region 6 - Critical Infrastructure \$132,700  
Law Enforcement Specialty Team Critical Needs \$325,763  
Law Enforcement Sustainment, Maintenance and Planning \$499,724  
Law Enforcement Specialty Team Training and Exercise \$359,116  
Orlando UASI \$7,370,299  
Miami/Ft Lauderdale UASI \$9,646,226  
Tampa UASI \$5,618,916  
Metropolitan Medical Response Systems (MMRS) \$1,971,851  
Citizen Corps Program (CCP) \$431,897  
National Special Security Event Grant \$79,283  
Management and Administration \$999,161  
\$40,688,745



# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
1	Law Enforcement Response	<p><b>Law Enforcement Sustainment, Maintenance and Planning:</b> The project continues to prepare Law Enforcement Specialized Response Teams to protect Florida's citizens, visitors, and critical infrastructure by allowing SWAT and Bomb teams to maintain the capability to quickly and effectively deploy to threats and attacks. Items designated for Waterborne Response Teams assist these teams in preparing for a coordinated response in order to protect people and assets along Florida's coast, rivers, lakes, and ports. Providing the appropriate level of protection to Forensic Response Team personnel maintains the ability of personnel to work safely in a chemical environment.</p> <p>The 8 RDSTF Planners housed at the FDLE serve an essential role in coordinating regional and statewide planning efforts on behalf of agencies tasked with preventing and responding to terrorist incidents. Under Florida statute, FDLE is tasked with supporting the state's 8 RDSTFs. The RDSTF Planners play a crucial role in coordinating local efforts to prepare for and respond to terrorist incidents through a coordinated regional structure.</p>	\$899,724	\$899,724
2	Agriculture and Environment	<p><b>State Agricultural Response Team (SART) Support:</b> SART supports county, regional, and state emergency management efforts with coordinated incident response for animal emergencies. This project provides a planner to continue developing and integrating written plans into the Florida CEMP and other documents; web site, E-Newsletter, and printed materials for SART community outreach; FEMA-certified training for SART and US&amp;R members; animal handling and rescue equipment; travel funds for SART initiatives; planning, equipment, testing, and review of operational roles of the SART IMT; and coordination with the Florida Veterinary Medical Association (FVMA) for continued support of membership into the Florida Vet Corps.</p>	\$179,859	\$1,079,583





# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
3	Agriculture and Environment	<b>Food &amp; Agriculture Laboratory Maintenance Agreements and Security Updates:</b> SHSP funding was used to purchase advanced equipment to update Florida's food, animal diagnostic, and agrichemical laboratories. Florida labs have been elevated to a level to allow them to join the Federal Laboratory Response Network (LRN) and the Food Emergency Response Network (FERN). This project provides for maintenance agreements for the previously purchased equipment, and security enhancements for the state's only BSL 3 animal disease diagnostic laboratory in Kissimmee. These enhancements were recommended after a detailed Site Assistance Visit (SAV) by the Department of Homeland Security.	\$160,706	\$1,240,289
4	Emergency Management	<b>Sustainment of EM RDSTF Planners:</b> Sustainment of RDSTF EM Planners will assist in strengthening regional collaboration and information sharing by providing planning expertise to all disciplines and by functioning as a critical link between the RDSTF, EM Community and the State.	\$494,400	\$1,734,689
5	Interoperable Communications	<b>Florida Interoperability Network (FIN):</b> This application provides for interoperable communications multi-jurisdictional and multi-discipline first responders - including local, state, and federal public safety agencies. FIN provides interoperable communications statewide, enhances regional response, can be completed within the grant period, and maximizes cost for the statewide benefit it provides. <ul style="list-style-type: none"> <li>- costs less than \$14 per responder based on 75,000+ L.E. and other first responders.</li> <li>- provides remote access to radio resources statewide.</li> <li>- provides radio-to-radio patches statewide.</li> <li>- provides intercom capability between dispatch centers statewide.</li> <li>- provides conference capability between dispatch centers statewide.</li> <li>- provides the same functionality from each EDICS trailer.</li> </ul>	\$1,000,000	\$2,734,689
	Law Enforcement Response	<b>Law Enforcement Specialty Team Critical Needs:</b> Florida's recognized regional Law Enforcement specialty teams in the areas of Bomb, SWAT, and Forensics provide extended levels of service beyond local agency capabilities. Designation as a regional team confers a willingness of named teams to provide these services as needed within a geographical region; while host agencies invest a great deal of resources into these regional teams, non-host agencies are spared these costs while still receiving the benefits of increased capabilities. While basic necessities of maintaining current capabilities have been assigned to a Sustainment and Maintenance template, this Critical Needs template seeks funds to increase current capabilities to provide for expanded levels of service to the regions and higher levels of protection for regional team personnel. By supplying teams with safer alternatives to gather essential information through various updates in technology, teams can use information gathered to develop strategic response strategies that reduce risks to themselves and citizens.	\$325,763	\$3,060,452



# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
7	Fire Rescue	<b>US&amp;R Hazmat IMT Training and Exercise:</b> This project provides specialized training to members of eight (8) Urban Search & Rescue Task Forces, (11) Type II WMD Regional Hazardous Materials Response Teams and the State's Type I, II, III Incident Management Teams. All training provided is consistent with the Grants and Training guidelines and is necessary to maintain proficiency in mission specific operations, and provides training and exercises that are individually crafted for each response entity to address gaps identified in the Florida Domestic Security Capabilities Assessment, as well as programmatic Urban Search and Rescue Operational Readiness Evaluations and Hazardous Materials Operational Readiness Evaluations. Specifically the training will address the following needs: training designed to stem the loss of trained personnel in Urban Search & Rescue and Hazardous Materials Teams, the provision of cross discipline and hazard specific training (conducted in many instances in a regional format) and improved collaboration between specialty teams.	\$634,109	\$3,694,561
8	Campus Security	<b>Mass Communication:</b> This project seeks to correct identified vulnerabilities in K-20 Mass Communication Systems for campuses at Florida's public schools and institutions of Higher Education. Through a collaborative process with RDSTF participation, the K-20 Campus Security Committee has identified projects based on critical needs utilizing ACAMS.  School districts and institutions of Higher Education will coordinate with public safety agencies and RDSTF interoperable communications and/or UASIs on the acquisition of mass notification/communications equipment to provide a continuous flow of critical information that will maximize effective and swift communication with Florida citizens, visitors and the campus community. Improvements will be geared toward system enhancements (such as software programs, equipment, speakers, repeaters, and BDAs). This project continues the build out of existing mass/communication systems and components that rectify deficiencies noted in recent assessments conducted by certified critical infrastructure planners.	\$540,634	\$4,235,195
9	Community Health Surge	<b>Enhancement of Radiological Response:</b> In 2008 HSGP funds were used to purchase portal monitors and handheld kits to support a statewide radiation monitoring program. However, the state has no means of detecting whether contamination off of victims becomes airborne and poses a hazard to workers and citizens at treatment sites. This project is to purchase 20 continuous portable radiation air monitoring systems to be used in conjunction with the equipment already available to alleviate the threat of long term increased risk of cancer as a result of overexposure at the treatment sites. The systems can be used for CBRNE detection at venues prior to or during events, and may be used indoors or outdoors.	\$120,000	\$4,355,195
	Emergency Management	<b>Local Planning, Training and Exercise:</b> This project will allow all counties to execute a multi-disciplinary training and exercise regional plan that will test the knowledge, skills and abilities of personnel, organizations and the public/private partnerships and ensure that personnel involved in Emergency Operation Center operations/on-site incident management have and continue to receive appropriate training to fulfill their roles as required by the National Response Framework.	\$993,999	\$5,349,194



# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
11	Campus Security*	<b>K-20 Target Hardening/Access Control:</b> The K-20 Campus Security Committee has identified projects to correct site vulnerabilities based on ACAMS assessments. Focus remains on the critical need for perimeter security control, visitor tracking, exterior cameras, vehicle standoff barriers, improved locking systems, training and further coordination with multi-discipline partners. With more than 4,000 facilities statewide, the goal is to focus on older buildings and facilities.	\$557,656	\$5,906,850
12	Fire Rescue*	<b>US&amp;R Hazmat Sustainment:</b> This project funds the sustainment of specific identified items from the equipment caches for 21 Type II WMD Regional Hazardous Materials Response Teams; 6 State and 2 State/Federal US&R Task Forces in accordance with the 2012-2014 Florida Domestic Security Strategic Plan and the appropriate US&R Type I, II & III RDSTF Standard Operations Guides or the Hazardous Materials Response Team Operational Readiness Standard Operations Guide. Funds will provide for maintenance, repair, upgrade or replacement of equipment cache items purchased with federal grant funds, including equipment that has reached the end of its operational service life.	\$348,071	\$6,254,921
13	Interoperable Communications*	<b>MARC Interoperable Communications Sustainment:</b> MARC teams and equipment support the continuous flow of critical information between multi-jurisdictional and multi-disciplinary emergency responders by providing mobile and portable field communications capability. The MARC teams further provide emergency communication infrastructure to a state, county, or local jurisdiction to augment or replace communications infrastructure in a locale. The teams provide state, county, and local jurisdictions with resources, trained personnel, and supplies to support impacted communications infrastructure. MARC teams provide immediate response assets to assist in the dispatch and safe arrival of initial fire suppression resources and US&R resources through the dissemination of preprogrammed portable and mobile radios equipped with the National Mutual Aid frequencies.	\$95,097	\$6,350,018
14	Law Enforcement Response*	<b>Law Enforcement Specialty Team Training and Exercise:</b> Due to staff turnover, emerging technology, and equipment innovations, providing continued training to members of specialty teams is essential to team sustainment and development. Specific waterborne courses requested under this funding stream will provide marine units with the ability to respond during high threat and high risk rescue operations, and will enhance regional capability to escort high risk vessels in and out of Florida's ports. Training for Explosive Ordinance Disposal teams expands personnel knowledge of emerging techniques and procedures; ensuring the ability to capitalize on lessons learned from other jurisdictions, and allowing new techniques and procedures to be practiced, developed, and honed in a low-risk environment. Specialized SWAT training allows personnel to study updated techniques. Exercises geared towards SWAT teams allow for new techniques to be tested and implemented by teams in a low-stress, safe environment.	\$459,956	\$6,809,974



\* may not be funded, depending on grant award amount

**\$6,809,974**



# Law Enforcement Terrorism Prevention (LETP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
1	Law Enforcement Prevention	<b>Regional Fusion Centers:</b> The continued use of identified secure threat messaging tools, statewide intelligence databases, analytical software and analyst personnel to support domestic security investigations and fusion operations to ensure statewide uniform practices of collection, analysis and reporting of criminal and terrorism indicators and suspicious activity.	\$440,955	\$440,955
2	Law Enforcement Prevention	<b>Critical Infrastructure Planners:</b> Continue funding for 8 Critical Infrastructure Planner positions, 1 in each region and 1 at FDLE HQ.	\$378,500	\$819,455
3	Law Enforcement Prevention	<b>Query Tool (dFACTS) for Combined Commercial Public Data &amp; State Owned LE Data:</b> Law enforcement agencies use this valuable investigative tool that combines commercially available public data with state owned and maintained law enforcement data making it accessible via a single query.	\$533,146	\$1,352,601
4	Law Enforcement Prevention	<b>Florida Fusion Center:</b> The continued use of identified secure threat messaging tools, statewide intelligence databases, analytical software and analyst personnel to support domestic security investigations and fusion operations to ensure statewide uniform practices of collection, analysis and reporting of criminal and terrorism indicators and suspicious activity. Funding request also includes training and planning sessions for the fusion centers statewide.	\$295,000	\$1,647,601
5	Law Enforcement Prevention	<b>Mobile VACIS:</b> Maintenance contracts on the VACIS Units. VACIS Units coupled with the video monitoring equipment and radiation detectors, greatly enhances Florida's capabilities to ensure the citizens and visitors are protected against food borne illness.	\$227,280	\$1,874,881
6	Law Enforcement Prevention	<b>Law Enforcement Analyst Academy:</b> Continued funding for the analytical training programs to establish and provide a uniform training curriculum for the area of law enforcement intelligence analysis with a specific emphasis on counter-terrorism intelligence, collection, analysis and dissemination. Students are taught skills and given opportunity to practice and apply these skills in the area of investigative and intelligence analysis.	\$250,000	\$2,124,881



# Law Enforcement Terrorism Prevention (LETP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
7	Law Enforcement Prevention	<b>Time Lapse Video Monitoring / Tag Recognition System Maintenance:</b> The video monitoring/tag recognition equipment aides in maintaining enhanced border security. As each vehicle passes through the Agricultural Inspection Station the Tag and Cargo Recognition System video records the vehicle and runs every tag and cargo container through state and national databases to determine if it is of interest or wanted/stolen.	\$131,300	\$2,256,181
8	Law Enforcement Prevention*	<b>Statewide Datasharing:</b> Regions 1, 2, 3, 6, and 7 information sharing system that shares data across records management systems.	\$612,245	\$2,868,426
9	Law Enforcement Prevention*	<b>Metadata Planners:</b> Continued funding for 8 Metadata Planner positions that work with the FLEX/RLEX initiative.	\$50,000	\$2,918,426
10	Law Enforcement Prevention*	<b>Florida Driver License Biometric Facial Recognition System:</b> This project will continue the development of the Florida Driver License Biometric Facial Recognition System (FDLBFRS). The system is designed to combat identity related crime, identify criminal suspects (including terrorism suspects) and protect the Florida Driver License system against domestic security threats, vulnerabilities and fraud while preserving the personal rights of those who obtain a Florida driver license or identification card.	\$500,000	\$3,418,426
11	Law Enforcement Prevention*	<b>Region 2 Critical Infrastructure:</b> Installation of intrusion detection/monitoring systems at the 4 Florida Interoperable Network Gateways in Region 2 as well as continuing the buildout of video monitoring systems in the Gadsden and Wakulla County Courthouses.	\$90,400	\$3,508,826
12	Law Enforcement Prevention*	<b>Region 5 Critical Infrastructure - Maitland:</b> Installation of a video surveillance system, entry access system and physical security barriers at a Maitland radio tower.	\$47,280	\$3,556,106



\* may not be funded, depending on grant award amount

**\$3,859,973**



# Law Enforcement Terrorism Prevention (LETP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
13	Law Enforcement Prevention*	<b>Region 5 Critical Infrastructure - Winter Springs:</b> Installation and training on a CCTV system to be placed around various City of Winter Springs assets that will be monitored at a central monitoring facility.	\$71,617	\$3,627,723
14	Law Enforcement Prevention*	<b>Region 6 Critical Infrastructure:</b> This project provides for the purchase, set-up, training, and warranty of advanced imaging equipment that can be used to more completely screen visitors and personnel into the Manatee County Judicial Center, or other facilities as required.	\$132,700	\$3,760,423
15	Law Enforcement Prevention*	<b>Region 1 Critical Infrastructure:</b> Phase 1 of 4 - Installation of a security fence around the Escambia County Public Safety facility.	\$39,651	\$3,800,074
16	Law Enforcement Prevention*	<b>Region 5 Critical Infrastructure - Daytona Beach:</b> This project provides for the purchase of a mobile CCTV Surveillance System for Daytona Beach Police Department to use at various public entertainment venues and events.	\$59,899	\$3,859,973



\* may not be funded, depending on grant award amount

\$3,859,973



# Republican National Convention 2012

## Cost Estimate National Special Security Event Support to RNC 2012

Position or Purpose	PAX	Computation(Pay and Benefits)	Cost
<b>A. Personnel (JTF-RNC, Task Forces, and JTF-FL)</b>			
<b>Command and Control</b>			
JTF-FL (State Command and Control Element, ST Augustine)	15	15 pax X \$260/day X 8 days	\$31,200
JTF-RNC (T32/T10 Dual Status Command Element, Tampa)	100	100 pax X \$260/day X 8 days	\$208,000
State Management Teams (2 teams x 8 personnel)	16	16 personnel X \$30/hour X 13 hours per day X 8 days	\$49,920.00
<b>Command and Control Totals</b>	<b>131</b>		<b>\$289,120</b>
<b>Missions</b>			
Broad Spectrum Security	500	500 pax X \$260/day X 8 days	\$1,040,000
Aviation Support	100	100 pax X \$260/day X 8 days	\$208,000
Civil Disturbance Support	500	500 pax X \$260/day X 8 days	\$1,040,000
Explosive Ordinance Detection and Disposal	40	500 pax X \$260/day X 8 days	\$83,200
Chemical, Biological and Nuclear Detection and Response	280	280 pax X \$260/day X 8 days	\$582,400
<b>Mission Totals</b>	<b>1420</b>		<b>\$2,953,600</b>
<b>Planner Support</b>			
JT-FL Planner	1	1 pax X \$260/day X 68 days	\$17,680
JTF-RNC Planner	2	2 pax X \$260/day X 68 days	\$35,360
<b>Total Planner Support Count and Cost</b>	<b>3</b>	<b>3 pax X \$260/day X 68 days</b>	<b>\$53,040</b>
<b>Total Personnel Count and Cost</b>	<b>1554</b>	<b>1535 pax X \$260/day X 8 days 3 pax X \$260/day X 68 days 16 pax X \$390/day X 8 days</b>	<b>\$3,295,760</b>
<b>B. Travel</b>			
<b>Travel</b>			
JTF-FL and JTF-RNC Planners			
Attend monthly General Sessions and planning in Tampa	3	3 pax X \$200/day X 15 days	\$9,000
State Management Teams (2 x 8 pax) to and from Hillsborough Co	16	AVIS rental vans at 36.75/day X 4 vans X 8 days	\$1,176.00
<b>Total Travel Count and Cost</b>	<b>19</b>	<b>3 pax X \$200/day X 60 days 4 pax/van X 4 vans X \$36.75/day X 8 days</b>	<b>\$10,176</b>



# Republican National Convention 2012

## C. Support (Maintenance, Fuel, Training, Meals and Lodging)

<b>Logistics Support (Fuel, Maintenance and Training)</b>			
Aviation (Fuel)	2 Afs	2 CH 47s at \$35,000/day X 4 days	\$280,000
Aviation (Maintenance)	2 Afs	2 CH 47s at \$5,000/day X 4 days	\$40,000
Ground Force (Fuel)	150 veh	150 military vehicles x 100 mi/day x 8 days	\$60,000
Ground Force (Maintenance)	150 veh	150 military vehicles X \$30 /day X 8 days	\$36,000
Ground Force (Training Teams)	50	50 pax X \$260/day X 10 days	\$130,000
Interagency Communication (Training Teams)	20	20 pax X \$260/day X 10 days	\$52,000
Interagency Communication (Maintenance)	15	15 pax X \$260/day X 10 days	\$39,000
<b>Tactical Transportation of Forces during RNC</b>			
Contracted Buses	750	40 pax/bus X \$1500/day X 5 days	\$140,625
<b>Logistics Support (Fuel, Maintenance and Training)</b>			
Fuel for AVIS rental vans		3.50/gallon X 25 gallon tank X 12 fill ups	\$1,050.00
Fuel for Mobile Command Vehicle		3.75 gal/50 gal / 6 fill-ups	\$1,125.00
Mobile Command Vehicle support (bandwidth, phone calls, etc)		1 month of enhanced bandwidth plus phone calls	\$1,500.00
<b>Lodging (Lodging, Meals, and Per Diem)</b>			
Hotel accommodations	16	\$150 per night / 8 nights	\$19,200.00
Meals	16	\$36 per person / 7 days	\$4,032.00
Per Diem	16	\$80 per person / final travel day (per state travel policy)	\$1,280.00
<b>Total Support Count and Cost</b>		<b>2 x CH 47 Aircraft, 150 tactical vehicles, 1538 pax SMT Logistical Support (fuel, lodging, per diem)</b>	<b>\$805,812</b>

Budget Category	Federal Amount
A. Personnel	\$3,295,760
B. Travel	\$10,176
C. Support	\$805,812
<b>Total Requested Federal Amount</b>	
	<b>\$4,111,748</b>





# CourtSmart Tag Report

**Room:** LL 37  
**Caption:** Criminal and Civil Justice Appropriations Subcommittee

**Case:**

**Type:**  
**Judge:**

**Started:** 1/19/2012 2:49:47 PM

**Ends:** 1/19/2012 4:14:00 PM

**Length:** 01:24:14

2:50:05 PM Meeting called to order.  
2:50:15 PM Roll call.  
2:50:36 PM Chairman Fasano addresses the committee.  
2:51:06 PM Senator Joyner recognized to present SB 296.  
2:52:52 PM Major Hartley, Hillsborough County Sheriff's Dept., waives in support.  
2:53:25 PM SB 296 passes favorably.  
2:54:05 PM Motion to vote after on SB 296 by Senator Storms.  
2:54:24 PM Senator Storms recognized to present SB 436.  
2:58:01 PM Senator Joyner makes comment.  
2:59:24 PM Senator Storms responds.  
3:00:57 PM Major Ron Hartley, Hillsborough County Sheriff's Dept., waives in support.  
3:01:22 PM Senator Storms responds to Mr. Pitts' comments.  
3:06:22 PM SB 436 passes favorably.  
3:06:34 PM Senator Flores recognized to present CS/SB 202.  
3:08:53 PM Senator Bennett makes comment regarding secrecy of location of "safe houses."  
3:09:39 PM Senator Flores responds.  
3:09:57 PM Senator Storms makes comments regarding bill.  
3:12:15 PM Chairman Fasano makes statement.  
3:13:00 PM Senator Bennett makes statement regarding CS/SB 202...need to count social value.  
3:14:00 PM Chairman Fasano makes statement about Kristi House.  
3:14:21 PM Senator Flores responds.  
3:16:07 PM Senator Storms cautions committee to look at ramifications of the bill.  
3:18:50 PM Senator Flores responds.  
3:19:58 PM Chairman Fasano makes statement regarding safe houses and "runners".  
3:20:24 PM Senator Flores responds.  
3:20:54 PM Senator Thrasher recognized and asks how many children are we looking at?  
3:21:16 PM Senator Flores responds - 200 to 300 range per the bill analysis.  
3:21:40 PM Sheila Hopkins, Florida Catholic Conference, waives in support.  
3:21:53 PM Patti Grogan, Deputy Director, Refugee Services, Dept. of Children & Families recognized.  
3:23:50 PM Chairman Fasano poses question to Ms. Grogan.  
3:24:07 PM Patti Grogan responds.  
3:25:01 PM Senator Storms recognized.  
3:26:08 PM Patti Grogan responds.  
3:26:17 PM Senator Storms continues.  
3:26:50 PM Ms. Grogan responds.  
3:27:25 PM Brian Pitts, Justice 2 Jesus, recognized.  
3:29:54 PM Chairman Fasano makes comment.  
3:30:22 PM Mike Rammage, General Counsel, FDLE recognized.  
3:30:40 PM Mr. Rammage states FDLE is opposed to lines 209-211 in the bill.  
3:35:49 PM Senator Thrasher makes a statement regarding FDLE's concern.  
3:36:13 PM Chairman Fasano makes statement regarding amendment.  
3:36:28 PM Mr. Rammage continues.  
3:37:00 PM Senator Flores recognized.  
3:39:22 PM Chairman Fasano asks Senator Flores if she's like to temporarily postpone bill or proceed.  
3:39:48 PM Senator Flores says she's like to move the bill forward.  
3:40:06 PM Trudi Novicki, Executive Director, Kristi House, recognized.  
3:47:41 PM Amy Mercer, Director, Florida Police Chiefs Association, recognized.  
3:48:46 PM Chairman Fasano presents hand written amendment to CS/SB 202.  
3:50:57 PM Amendment adopted without objection.  
3:51:07 PM Senator Flores recognized to close.  
3:53:05 PM CS/SB 202 shown favorable as amended.  
3:53:20 PM Robert Simpson, President, LeeSar, recognized.

**3:58:58 PM** Senator Bennett makes comments.  
**4:00:09 PM** Mr. Simpson continues presentation.  
**4:06:31 PM** Senator Bennett makes statement.  
**4:07:24 PM** Senator Smith moves to vote after for CS/SB 202 (favorably).  
**4:08:01 PM** Bryan Koon, Director, Florida Division of Emergency Management, recognized.  
**4:10:15 PM** Mark Perez, Special Agent in Charge, Florida Dept. of Law Enforcement, recognized.  
**4:13:57 PM** Meeting adjourned.