

1 A bill to be entitled
2 An act relating to sexual offenses; amending s. 775.21,
3 F.S.; replacing the definition of the term "instant
4 message name" with the definition of the term "Internet
5 identifier"; providing that voluntary disclosure of
6 specified information waives a disclosure exemption for
7 such information; conforming provisions; requiring
8 disclosure of passport and immigration status information;
9 requiring that a sexual predator who is unable to secure
10 or update a driver's license or identification card within
11 a specified period must report specified information to
12 the local sheriff's office within a specified period after
13 such change with confirmation that he or she also reported
14 such information to the Department of Highway Safety and
15 Motor Vehicles; revising reporting requirements if a
16 sexual predator plans to leave the United States for more
17 than a specified period; creating s. 847.0141, F.S.;
18 prohibiting a minor's intentional or knowing use of an
19 electronic communication device to transmit, distribute,
20 or display a visual depiction of himself or herself that
21 depicts nudity and is harmful to minors; providing
22 penalties; prohibiting a minor's intentional or knowing
23 possession of a visual depiction of another minor that
24 depicts nudity and is harmful to minors; providing an
25 exception; providing penalties; providing duties for law
26 enforcement officers; providing for prosecution of a minor
27 under other provisions; amending s. 943.0435, F.S.;
28 replacing the definition of the term "instant message

29 name" with the definition of the term "Internet
30 identifier"; conforming provisions; requiring disclosure
31 of passport and immigration status information; requiring
32 that a sexual predator who is unable to secure or update a
33 driver's license or identification card within a specified
34 period must report specified information to the local
35 sheriff's office within a specified period of such change
36 with confirmation that he or she also reported such
37 information to the Department of Highway Safety and Motor
38 Vehicles; providing additional requirements for sexual
39 offenders intending to reside outside of the United
40 States; amending s. 943.04351, F.S.; requiring a specified
41 national search of registration information regarding
42 sexual predators and sexual offenders prior to appointment
43 or employment of persons by state agencies and
44 governmental subdivisions; amending s. 943.04354, F.S.;
45 revising the age range applicable to provisions allowing
46 removal of the requirement to register as a sexual
47 offender or sexual predator in certain circumstances;
48 revising eligibility requirements for removal of the
49 requirement to register as a sexual offender or sexual
50 predator; amending s. 943.0437, F.S.; replacing the
51 definition of the term "instant message name" with the
52 definition of the term "Internet identifier"; conforming
53 provisions; amending ss. 944.606 and 944.607, F.S.;
54 replacing the definition of the term "instant message
55 name" with the definition of the term "Internet
56 identifier"; conforming provisions; requiring disclosure

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57 of passport and immigration status information; amending
58 s. 947.005, F.S.; revising the definition of the term
59 "risk assessment"; amending s. 948.31, F.S.; providing
60 that conditions imposed under that section do not require
61 oral pronouncement at the time of sentencing and shall be
62 considered standard conditions of probation or community
63 control for certain offenders; removing a provision
64 prohibiting contact with minors if sexual offender
65 treatment is recommended; amending ss. 985.481 and
66 985.4815, F.S.; requiring disclosure of passport and
67 immigration status information by certain sexual offenders
68 adjudicated delinquent and certain juvenile sexual
69 offenders; providing a short title; amending s. 39.001,
70 F.S.; providing legislative intent and goals; conforming
71 cross-references; amending s. 39.01, F.S.; revising the
72 definitions of the terms "abuse," "child who is found to
73 be dependent," and "sexual abuse of a child"; amending s.
74 39.401, F.S.; requiring delivery of children alleged to be
75 dependent and sexually exploited to short-term safe
76 houses; amending s. 39.402, F.S.; providing for a
77 presumption that placement of a child alleged to have been
78 sexually exploited in a short-term safe house is
79 necessary; providing requirements for findings in a
80 shelter hearing relating to placement of an allegedly
81 sexually exploited child in a short-term safe house;
82 amending s. 39.521, F.S.; providing for a presumption that
83 placement of a child alleged to have been sexually
84 exploited in a safe house is necessary; creating s.

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39.524, F.S.; 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; creating s. 409.1678, F.S.; providing definitions; 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, responsibilities, and requirements for safe houses and their operators; providing for training for law enforcement officials who are likely to encounter sexually exploited children; amending s. 796.07, F.S.; providing for an increased civil penalty for soliciting another to commit prostitution or related acts; providing for disposition of proceeds; amending s. 960.065, F.S.; allowing victim compensation for sexually exploited children; amending s. 985.115, F.S.; conforming a provision to changes made by the act; amending ss. 985.145 and 985.15, F.S.; providing a presumption against filing a delinquency petition for certain prostitution-related offenses in certain circumstances; providing severability; providing effective dates.

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

Section 1. Paragraph (i) of subsection (2), paragraphs (a), (e), (g), (i), and (j) of subsection (6), paragraph (a) of

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subsection (8), and paragraph (a) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

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

(i) "Internet identifier ~~Instant message name~~" means all electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication, but does not include a date of birth, social security number, or personal identification number (PIN) an identifier that allows a person to communicate in real time with another person using the Internet. Voluntary disclosure by the sexual predator of his or her date of birth, social security number, or personal identification number (PIN) as an Internet identifier waives the disclosure exemption in this paragraph for such personal information.

(6) REGISTRATION.—

(a) A sexual predator must register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; photograph; address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all any electronic mail addresses ~~address~~ and all

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141 Internet identifiers ~~any instant message name~~ required to be
142 provided pursuant to subparagraph (g)4.; all home telephone
143 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
144 and place of any employment; date and place of each conviction;
145 fingerprints; and a brief description of the crime or crimes
146 committed by the offender. A post office box shall not be
147 provided in lieu of a physical residential address. The sexual
148 predator must also produce or provide information about his or
149 her passport, if he or she has a passport, and, if he or she is
150 an alien, must produce or provide information about documents
151 establishing his or her immigration status.

152 a. If the sexual predator's place of residence is a motor
153 vehicle, trailer, mobile home, or manufactured home, as defined
154 in chapter 320, the sexual predator shall also provide to the
155 department written notice of the vehicle identification number;
156 the license tag number; the registration number; and a
157 description, including color scheme, of the motor vehicle,
158 trailer, mobile home, or manufactured home. If a sexual
159 predator's place of residence is a vessel, live-aboard vessel,
160 or houseboat, as defined in chapter 327, the sexual predator
161 shall also provide to the department written notice of the hull
162 identification number; the manufacturer's serial number; the
163 name of the vessel, live-aboard vessel, or houseboat; the
164 registration number; and a description, including color scheme,
165 of the vessel, live-aboard vessel, or houseboat.

166 b. If the sexual predator is enrolled, employed, or
167 carrying on a vocation at an institution of higher education in
168 this state, the sexual predator shall also provide to the

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department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office, or the Department of Corrections if the sexual predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. The sheriff or the Department of Corrections shall promptly notify each institution of the sexual predator's presence and any change in the sexual predator's enrollment or employment status.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(e)1. If the sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections or is not in the custody of a private correctional facility, the sexual predator shall register in person:

a. At the sheriff's office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; and

b. At the sheriff's office in the county where he or she was designated a sexual predator by the court within 48 hours after such finding is made.

2. Any change in the sexual predator's permanent or temporary residence, name, or all ~~any~~ electronic mail addresses ~~address~~ and all Internet identifiers ~~any instant message name~~

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197 required to be provided pursuant to subparagraph (g)4., after
198 the sexual predator registers in person at the sheriff's office
199 as provided in subparagraph 1., shall be accomplished in the
200 manner provided in paragraphs (g), (i), and (j). When a sexual
201 predator registers with the sheriff's office, the sheriff shall
202 take a photograph and a set of fingerprints of the predator and
203 forward the photographs and fingerprints to the department,
204 along with the information that the predator is required to
205 provide pursuant to this section.

206 (g)1. Each time a sexual predator's driver's license or
207 identification card is subject to renewal, and, without regard
208 to the status of the predator's driver's license or
209 identification card, within 48 hours after any change of the
210 predator's residence or change in the predator's name by reason
211 of marriage or other legal process, the predator shall report in
212 person to a driver's license office and shall be subject to the
213 requirements specified in paragraph (f). The Department of
214 Highway Safety and Motor Vehicles shall forward to the
215 department and to the Department of Corrections all photographs
216 and information provided by sexual predators. Notwithstanding
217 the restrictions set forth in s. 322.142, the Department of
218 Highway Safety and Motor Vehicles is authorized to release a
219 reproduction of a color-photograph or digital-image license to
220 the Department of Law Enforcement for purposes of public
221 notification of sexual predators as provided in this section. A
222 sexual predator who is unable to secure or update a driver's
223 license or identification card with the Department of Highway
224 Safety and Motor Vehicles as provided in paragraph (f) and this

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225 paragraph must also report any change of the predator's
226 residence or change in the predator's name by reason of marriage
227 or other legal process within 48 hours after the change to the
228 sheriff's office in the county where the predator resides or is
229 located and provide confirmation that he or she reported such
230 information to the Department of Highway Safety and Motor
231 Vehicles.

232 2. A sexual predator who vacates a permanent, temporary,
233 or transient residence and fails to establish or maintain
234 another permanent, temporary, or transient residence shall,
235 within 48 hours after vacating the permanent, temporary, or
236 transient residence, report in person to the sheriff's office of
237 the county in which he or she is located. The sexual predator
238 shall specify the date upon which he or she intends to or did
239 vacate such residence. The sexual predator must provide or
240 update all of the registration information required under
241 paragraph (a). The sexual predator must provide an address for
242 the residence or other place that he or she is or will be
243 located during the time in which he or she fails to establish or
244 maintain a permanent or temporary residence.

245 3. A sexual predator who remains at a permanent,
246 temporary, or transient residence after reporting his or her
247 intent to vacate such residence shall, within 48 hours after the
248 date upon which the predator indicated he or she would or did
249 vacate such residence, report in person to the sheriff's office
250 to which he or she reported pursuant to subparagraph 2. for the
251 purpose of reporting his or her address at such residence. When
252 the sheriff receives the report, the sheriff shall promptly

253 convey the information to the department. An offender who makes
254 a report as required under subparagraph 2. but fails to make a
255 report as required under this subparagraph commits a felony of
256 the second degree, punishable as provided in s. 775.082, s.
257 775.083, or s. 775.084.

258 4. A sexual predator must register all ~~any~~ electronic mail
259 addresses and Internet identifiers ~~address or instant message~~
260 ~~name~~ with the department prior to using such electronic mail
261 addresses and Internet identifiers ~~address or instant message~~
262 ~~name on or after October 1, 2007~~. The department shall establish
263 an online system through which sexual predators may securely
264 access and update all electronic mail address and Internet
265 identifier ~~instant message name~~ information.

266 (i) A sexual predator who intends to establish a
267 permanent, temporary, or transient residence in another state or
268 jurisdiction other than the State of Florida shall report in
269 person to the sheriff of the county of current residence within
270 48 hours before the date he or she intends to leave this state
271 to establish residence in another state or jurisdiction or
272 within 21 days before his or her planned departure date if the
273 intended residence of 7 days or more is outside of the United
274 States. The sexual predator must provide to the sheriff the
275 address, municipality, county, ~~and~~ state, and country of
276 intended residence. The sheriff shall promptly provide to the
277 department the information received from the sexual predator.
278 The department shall notify the statewide law enforcement
279 agency, or a comparable agency, in the intended state, ~~or~~
280 jurisdiction, or country of residence of the sexual predator's

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intended residence. The failure of a sexual predator to provide his or her intended place of residence is punishable as provided in subsection (10).

(j) A sexual predator who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a ~~or~~ jurisdiction other than the State of Florida, or another country and later decides to remain in this state shall, within 48 hours after the date upon which the sexual predator indicated he or she would leave this state, report in person to the sheriff to which the sexual predator reported the intended change of residence, and report his or her intent to remain in this state. If the sheriff is notified by the sexual predator that he or she intends to remain in this state, the sheriff shall promptly report this information to the department. A sexual predator who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a ~~or~~ jurisdiction other than the State of Florida, or another country, but who remains in this state without reporting to the sheriff in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of

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309 Corrections shall verify the addresses of sexual predators who
310 are not incarcerated but who reside in the community under the
311 supervision of the Department of Corrections and shall report to
312 the department any failure by a sexual predator to comply with
313 registration requirements. County and local law enforcement
314 agencies, in conjunction with the department, shall verify the
315 addresses of sexual predators who are not under the care,
316 custody, control, or supervision of the Department of
317 Corrections. Local law enforcement agencies shall report to the
318 department any failure by a sexual predator to comply with
319 registration requirements.

320 (a) A sexual predator must report in person each year
321 during the month of the sexual predator's birthday and during
322 every third month thereafter to the sheriff's office in the
323 county in which he or she resides or is otherwise located to
324 reregister. The sheriff's office may determine the appropriate
325 times and days for reporting by the sexual predator, which shall
326 be consistent with the reporting requirements of this paragraph.
327 Reregistration shall include any changes to the following
328 information:

329 1. Name; social security number; age; race; sex; date of
330 birth; height; weight; hair and eye color; address of any
331 permanent residence and address of any current temporary
332 residence, within the state or out of state, including a rural
333 route address and a post office box; if no permanent or
334 temporary address, any transient residence within the state;
335 address, location or description, and dates of any current or
336 known future temporary residence within the state or out of

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337 state; all ~~any~~ electronic mail addresses ~~address~~ and all
338 Internet identifiers ~~any instant message name~~ required to be
339 provided pursuant to subparagraph (6)(g)4.; all home telephone
340 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
341 and place of any employment; vehicle make, model, color, and
342 license tag number; fingerprints; and photograph. A post office
343 box shall not be provided in lieu of a physical residential
344 address. The sexual predator must also produce or provide
345 information about his or her passport, if he or she has a
346 passport, and, if he or she is an alien, must produce or provide
347 information about documents establishing his or her immigration
348 status.

349 2. If the sexual predator is enrolled, employed, or
350 carrying on a vocation at an institution of higher education in
351 this state, the sexual predator shall also provide to the
352 department the name, address, and county of each institution,
353 including each campus attended, and the sexual predator's
354 enrollment or employment status.

355 3. If the sexual predator's place of residence is a motor
356 vehicle, trailer, mobile home, or manufactured home, as defined
357 in chapter 320, the sexual predator shall also provide the
358 vehicle identification number; the license tag number; the
359 registration number; and a description, including color scheme,
360 of the motor vehicle, trailer, mobile home, or manufactured
361 home. If the sexual predator's place of residence is a vessel,
362 live-aboard vessel, or houseboat, as defined in chapter 327, the
363 sexual predator shall also provide the hull identification
364 number; the manufacturer's serial number; the name of the

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vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information, electronic mail address information, Internet identifier ~~instant message name~~ information, all home telephone numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 847.0141, Florida Statutes, is created to read:

847.0141 Unlawful electronic communication between minors; possession of visual depiction of another minor.—

(1) It is unlawful for a minor to intentionally or knowingly use an electronic communication device to transmit, distribute, or display a visual depiction of himself or herself that depicts nudity and is harmful to minors.

392 (2) (a) It is unlawful for a minor to intentionally or
393 knowingly posses a visual depiction of another minor that
394 depicts nudity and is harmful to minors.

395 (b) A minor does not violate paragraph (a) if all of the
396 following apply:

397 1. The minor did not solicit the visual depiction.

398 2. The minor took reasonable steps to report the visual
399 depiction to the minor's legal guardian or to a school or law
400 enforcement official.

401 3. The minor did not transmit or distribute the visual
402 depiction to a third party.

403 (3) A minor who violates subsection (1) or subsection (2):

404 (a) Commits a noncriminal violation for a first violation,
405 punishable by 8 hours of community service or, if ordered by the
406 court in lieu of community service, a \$60 fine. The court may
407 also order suitable training concerning such offenses and may
408 prohibit the use or possession of electronic devices, which may
409 include, but are not limited to, cellular telephones, cameras,
410 computers, or other electronic media devices. The court shall
411 order the confiscation of such unlawful material and authorize
412 the law enforcement agency in which the material is held to
413 destroy the unlawful material.

414 (b) Commits a misdemeanor of the second degree for a
415 violation that occurs after being found to have committed a
416 noncriminal violation under paragraph (a), punishable as
417 provided in s. 775.082 or s. 775.083. The court must order
418 suitable training concerning such offenses and prohibit the use
419 or possession of electronic communication devices, which may

420 include, but are not limited to, cellular telephones, cameras,
421 computers, or other electronic media devices. The court shall
422 order the confiscation of such unlawful material and authorize
423 the law enforcement agency in which the material is held to
424 destroy the unlawful material.

425 (c) Commits a misdemeanor of the first degree for a
426 violation that occurs after being found to have committed a
427 misdemeanor of the second degree under paragraph (b), punishable
428 as provided in s. 775.082 or s. 775.083. The court must order
429 suitable training concerning such offenses or, if ordered by the
430 court in lieu of training, counseling and prohibit the use or
431 possession of electronic devices, which may include, but are not
432 limited to, cellular telephones, cameras, computers, or other
433 electronic media devices. The court shall order confiscation of
434 such unlawful material and authorize the law enforcement agency
435 in which the material is held to destroy the unlawful material.

436 (d) Commits a felony of the third degree for a violation
437 that occurs after being found to have committed a misdemeanor of
438 the first degree under paragraph (c), punishable as provided in
439 s. 775.082, s. 775.083, or s. 775.084. The court must order a
440 mental health evaluation by a qualified practitioner, as defined
441 in s. 948.001, and treatment, if recommended by the
442 practitioner. The court shall order confiscation of such
443 unlawful material and authorize the law enforcement agency in
444 which the material is held to destroy the unlawful material.

445 (4) Whenever any law enforcement officer arrests any
446 person charged with any offense under this section, the officer
447 shall seize the prohibited material and take the material into

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his or her custody to await the sentence of the court upon the trial of the offender.

(5) This section does not prohibit the prosecution of a minor for a violation of any law of this state if the electronic communication includes the depiction of sexual conduct or sexual excitement and does not prohibit the prosecution of a minor for stalking under s. 784.048.

Section 3. Paragraphs (a) and (g) of subsection (1), subsection (2), paragraphs (a) and (d) of subsection (4), subsections (7) and (8), and paragraph (c) of subsection (14) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(a)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense

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committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01,

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s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

2. For all qualifying offenses listed in sub-subparagraph (1)(a)1.d., the court shall make a written finding of the age of the offender at the time of the offense.

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For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(g) "Internet identifier instant message name" has the same meaning as provided in s. 775.21 ~~means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(2) A sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent, temporary, or transient residence within 48 hours after:

a. Establishing permanent, temporary, or transient residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or control of, or under the supervision of, the

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Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the information required to be provided pursuant to paragraph (b), including, but not limited to, any change in the sexual offender's permanent, temporary, or transient residence, name, all ~~any~~ electronic mail addresses ~~address~~ and all Internet identifiers ~~any instant message name~~ required to be provided pursuant to paragraph (4)(d), after the sexual offender reports in person at the sheriff's office, shall be accomplished in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; occupation and place of employment; address of permanent or legal residence or address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state, address, location or description, and dates of any current or known future temporary residence within the state or out of state; all home telephone numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; all ~~any~~ electronic mail addresses ~~address~~ and all Internet identifiers ~~any instant message name~~ required to be provided pursuant to paragraph (4)(d); date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address. The sexual offender must also produce or

588 provide information about his or her passport, if he or she has
589 a passport, and, if he or she is an alien, must produce or
590 provide information about documents establishing his or her
591 immigration status.

592 1. If the sexual offender's place of residence is a motor
593 vehicle, trailer, mobile home, or manufactured home, as defined
594 in chapter 320, the sexual offender shall also provide to the
595 department through the sheriff's office written notice of the
596 vehicle identification number; the license tag number; the
597 registration number; and a description, including color scheme,
598 of the motor vehicle, trailer, mobile home, or manufactured
599 home. If the sexual offender's place of residence is a vessel,
600 live-aboard vessel, or houseboat, as defined in chapter 327, the
601 sexual offender shall also provide to the department written
602 notice of the hull identification number; the manufacturer's
603 serial number; the name of the vessel, live-aboard vessel, or
604 houseboat; the registration number; and a description, including
605 color scheme, of the vessel, live-aboard vessel, or houseboat.

606 2. If the sexual offender is enrolled, employed, or
607 carrying on a vocation at an institution of higher education in
608 this state, the sexual offender shall also provide to the
609 department through the sheriff's office the name, address, and
610 county of each institution, including each campus attended, and
611 the sexual offender's enrollment or employment status. Each
612 change in enrollment or employment status shall be reported in
613 person at the sheriff's office, within 48 hours after any change
614 in status. The sheriff shall promptly notify each institution of
615 the sexual offender's presence and any change in the sexual

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offender's enrollment or employment status.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(4)(a) Each time a sexual offender's driver's license or identification card is subject to renewal, and, without regard to the status of the offender's driver's license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver's license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver's license or identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection must also report

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644 any change in the sexual offender's permanent, temporary, or
645 transient residence or change in the offender's name by reason
646 of marriage or other legal process within 48 hours after the
647 change to the sheriff's office in the county where the offender
648 resides or is located and provide confirmation that he or she
649 reported such information to Department of Highway Safety and
650 Motor Vehicles.

651 (d) A sexual offender must register all ~~any~~ electronic
652 mail addresses and Internet identifiers ~~address or instant~~
653 ~~message name~~ with the department prior to using such electronic
654 mail addresses and Internet identifiers ~~address or instant~~
655 ~~message name on or after October 1, 2007.~~ The department shall
656 establish an online system through which sexual offenders may
657 securely access and update all electronic mail address and
658 Internet identifier ~~instant message name~~ information.

659 (7) A sexual offender who intends to establish a
660 permanent, temporary, or transient residence in another state or
661 jurisdiction other than the State of Florida shall report in
662 person to the sheriff of the county of current residence within
663 48 hours before the date he or she intends to leave this state
664 to establish residence in another state or jurisdiction or
665 within 21 days before his or her planned departure date if the
666 intended residence of 7 days or more is outside of the United
667 States. The notification must include the address, municipality,
668 county, ~~and state,~~ and country of intended residence. The
669 sheriff shall promptly provide to the department the information
670 received from the sexual offender. The department shall notify
671 the statewide law enforcement agency, or a comparable agency, in

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the intended state, ~~or~~ jurisdiction, or country of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(8) A sexual offender who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a ~~or~~ jurisdiction other than the State of Florida, or another country and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual offender reported the intended change of permanent, temporary, or transient residence, and report his or her intent to remain in this state. The sheriff shall promptly report this information to the department. A sexual offender who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a ~~or~~ jurisdiction other than the State of Florida, or another country but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of

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700 birth; height; weight; hair and eye color; address of any
701 permanent residence and address of any current temporary
702 residence, within the state or out of state, including a rural
703 route address and a post office box; if no permanent or
704 temporary address, any transient residence within the state;
705 address, location or description, and dates of any current or
706 known future temporary residence within the state or out of
707 state; all ~~any~~ electronic mail addresses ~~address~~ and all
708 Internet identifiers ~~any instant message name~~ required to be
709 provided pursuant to paragraph (4) (d); all home telephone
710 numbers ~~number~~ and all ~~any~~ cellular telephone numbers ~~number~~;
711 date and place of any employment; vehicle make, model, color,
712 and license tag number; fingerprints; and photograph. A post
713 office box shall not be provided in lieu of a physical
714 residential address. The sexual offender must also produce or
715 provide information about his or her passport, if he or she has
716 a passport, and, if he or she is an alien, must produce or
717 provide information about documents establishing his or her
718 immigration status.

719 2. If the sexual offender is enrolled, employed, or
720 carrying on a vocation at an institution of higher education in
721 this state, the sexual offender shall also provide to the
722 department the name, address, and county of each institution,
723 including each campus attended, and the sexual offender's
724 enrollment or employment status.

725 3. If the sexual offender's place of residence is a motor
726 vehicle, trailer, mobile home, or manufactured home, as defined
727 in chapter 320, the sexual offender shall also provide the

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728 vehicle identification number; the license tag number; the
729 registration number; and a description, including color scheme,
730 of the motor vehicle, trailer, mobile home, or manufactured
731 home. If the sexual offender's place of residence is a vessel,
732 live-aboard vessel, or houseboat, as defined in chapter 327, the
733 sexual offender shall also provide the hull identification
734 number; the manufacturer's serial number; the name of the
735 vessel, live-aboard vessel, or houseboat; the registration
736 number; and a description, including color scheme, of the
737 vessel, live-aboard vessel or houseboat.

738 4. Any sexual offender who fails to report in person as
739 required at the sheriff's office, or who fails to respond to any
740 address verification correspondence from the department within 3
741 weeks of the date of the correspondence or who fails to report
742 all electronic mail addresses and all Internet identifiers ~~or~~
743 ~~instant message names~~, commits a felony of the third degree,
744 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

745 Section 4. Section 943.04351, Florida Statutes, is amended
746 to read:

747 943.04351 Search of registration information regarding
748 sexual predators and sexual offenders required prior to
749 appointment or employment.—A state agency or governmental
750 subdivision, prior to making any decision to appoint or employ a
751 person to work, whether for compensation or as a volunteer, at
752 any park, playground, day care center, or other place where
753 children regularly congregate, must conduct a search of that
754 person's name or other identifying information against the
755 registration information regarding sexual predators and sexual

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756 offenders maintained by the Department of Law Enforcement under
757 s. 943.043. The agency or governmental subdivision may conduct
758 the search using the Internet site maintained by the Department
759 of Law Enforcement. Also, a national search must be conducted
760 through the Dru Sjodin National Sex Offender Public Website
761 maintained by the United States Department of Justice. This
762 section does not apply to those positions or appointments within
763 a state agency or governmental subdivision for which a state and
764 national criminal history background check is conducted.

765 Section 5. Section 943.04354, Florida Statutes, is amended
766 to read:

767 943.04354 Removal of the requirement to register as a
768 sexual offender or sexual predator in special circumstances.—

769 (1) For purposes of this section, a person shall be
770 considered for removal of the requirement to register as a
771 sexual offender or sexual predator only if the person:

772 (a) Was or will be convicted or adjudicated delinquent of
773 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
774 847.0135(5) or the person committed a violation of s. 794.011,
775 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
776 of guilt was or will be withheld, and the person does not have
777 any other conviction, adjudication of delinquency, or withhold
778 of adjudication of guilt for a violation of s. 794.011, s.
779 800.04, s. 827.071, or s. 847.0135(5);

780 (b) Is required to register as a sexual offender or sexual
781 predator solely on the basis of this violation; and

782 (c) Is not more than 4 years older than the victim of this
783 violation who was 13 ~~14~~ years of age or older but not more than

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784 18 ~~17~~ years of age at the time the person committed this
785 violation.

786 (2) If a person meets the criteria in subsection (1) ~~and~~
787 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
788 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person
789 may move the court that will sentence or dispose of this
790 violation to remove the requirement that the person register as
791 a sexual offender or sexual predator. The person must allege in
792 the motion that he or she meets the criteria in subsection (1)
793 and that removal of the registration requirement will not
794 conflict with federal law. The state attorney must be given
795 notice of the motion at least 21 days before the date of
796 sentencing or disposition of this violation and may present
797 evidence in opposition to the requested relief or may otherwise
798 demonstrate why the motion should be denied. At sentencing or
799 disposition of this violation, the court shall rule on this
800 motion and, if the court determines the person meets the
801 criteria in subsection (1) and the removal of the registration
802 requirement will not conflict with federal law, it may grant the
803 motion and order the removal of the registration requirement. If
804 the court denies the motion, the person is not authorized under
805 this section to petition for removal of the registration
806 requirement.

807 (3)(a) This subsection applies to a person who:

808 ~~1. Is not a person described in subsection (2) because the~~
809 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
810 ~~committed on or after July 1, 2007;~~

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811 ~~1.2.~~ Is subject to registration as a sexual offender or
812 sexual predator for a violation of s. 794.011, s. 800.04, or s.
813 827.071; and

814 ~~2.3.~~ Meets the criteria in subsection (1).

815 (b) A person may petition the court in which the sentence
816 or disposition for the violation of s. 794.011, s. 800.04, or s.
817 827.071 occurred for removal of the requirement to register as a
818 sexual offender or sexual predator. The person must allege in
819 the petition that he or she meets the criteria in subsection (1)
820 and removal of the registration requirement will not conflict
821 with federal law. The state attorney must be given notice of the
822 petition at least 21 days before the hearing on the petition and
823 may present evidence in opposition to the requested relief or
824 may otherwise demonstrate why the petition should be denied. The
825 court shall rule on the petition and, if the court determines
826 the person meets the criteria in subsection (1) and removal of
827 the registration requirement will not conflict with federal law,
828 it may grant the petition and order the removal of the
829 registration requirement. If the court denies the petition, the
830 person is not authorized under this section to file any further
831 petition for removal of the registration requirement.

832 (4) If a person provides to the Department of Law
833 Enforcement a certified copy of the court's order removing the
834 requirement that the person register as a sexual offender or
835 sexual predator for the violation of s. 794.011, s. 800.04, s.
836 827.071, or s. 847.0135(5), the registration requirement will
837 not apply to the person and the department shall remove all
838 information about the person from the public registry of sexual

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839 offenders and sexual predators maintained by the department.
840 However, the removal of this information from the public
841 registry does not mean that the public is denied access to
842 information about the person's criminal history or record that
843 is otherwise available as a public record.

844 Section 6. Subsection (2) and paragraph (a) of subsection
845 (3) of section 943.0437, Florida Statutes, are amended to read:

846 943.0437 Commercial social networking websites.—

847 (2) The department may provide information relating to
848 electronic mail addresses and Internet identifiers ~~instant~~
849 ~~message names~~ maintained as part of the sexual offender registry
850 to commercial social networking websites or third parties
851 designated by commercial social networking websites. The
852 commercial social networking website may use this information
853 for the purpose of comparing registered users and screening
854 potential users of the commercial social networking website
855 against the list of electronic mail addresses and Internet
856 identifiers ~~instant message names~~ provided by the department.

857 (3) This section shall not be construed to impose any
858 civil liability on a commercial social networking website for:

859 (a) Any action voluntarily taken in good faith to remove
860 or disable any profile of a registered user associated with an
861 electronic mail address or Internet identifier ~~instant message~~
862 ~~name~~ contained in the sexual offender registry.

863 Section 7. Paragraphs (b) and (d) of subsection (1) and
864 paragraph (a) of subsection (3) of section 944.606, Florida
865 Statutes, are amended to read:

866 944.606 Sexual offenders; notification upon release.—

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(1) As used in this section:

(b) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

(d) "Internet identifier ~~Instant message name"~~ has the same meaning as provided in s. 775.21 ~~means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(3)(a) The department must provide information regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:

1. The department must provide: the sexual offender's name, any change in the offender's name by reason of marriage or other legal process, and any alias, if known; the correctional

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895 facility from which the sexual offender is released; the sexual
896 offender's social security number, race, sex, date of birth,
897 height, weight, and hair and eye color; address of any planned
898 permanent residence or temporary residence, within the state or
899 out of state, including a rural route address and a post office
900 box; if no permanent or temporary address, any transient
901 residence within the state; address, location or description,
902 and dates of any known future temporary residence within the
903 state or out of state; date and county of sentence and each
904 crime for which the offender was sentenced; a copy of the
905 offender's fingerprints and a digitized photograph taken within
906 60 days before release; the date of release of the sexual
907 offender; all ~~any~~ electronic mail addresses ~~address~~ and all
908 Internet identifiers ~~any instant message name~~ required to be
909 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone
910 numbers ~~number~~ and ~~any~~ cellular telephone numbers; and passport
911 information, if he or she has a passport, and, if he or she is
912 an alien, information about documents establishing his or her
913 immigration status ~~number~~. The department shall notify the
914 Department of Law Enforcement if the sexual offender escapes,
915 absconds, or dies. If the sexual offender is in the custody of a
916 private correctional facility, the facility shall take the
917 digitized photograph of the sexual offender within 60 days
918 before the sexual offender's release and provide this photograph
919 to the Department of Corrections and also place it in the sexual
920 offender's file. If the sexual offender is in the custody of a
921 local jail, the custodian of the local jail shall register the
922 offender within 3 business days after intake of the offender for

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any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender's release and provide to the Department of Law Enforcement the information specified in this paragraph and any information specified in subparagraph 2. that the Department of Law Enforcement requests.

2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available.

Section 8. Paragraphs (a) and (f) of subsection (1), paragraph (a) of subsection (4), paragraph (b) of subsection (6), and paragraph (c) of subsection (13) of section 944.607, Florida Statutes, are amended to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

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

(a) "Sexual offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a private correctional facility:

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133;

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s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

(f) "Internet identifier" ~~Instant message name~~ has the same meaning as provided in s. 775.21 ~~means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(4) A sexual offender, as described in this section, who is under the supervision of the Department of Corrections but is not incarcerated must register with the Department of Corrections within 3 business days after sentencing for a registrable offense and otherwise provide information as required by this subsection.

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; all any electronic mail addresses ~~address~~ and all Internet

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979 identifiers ~~any instant message name~~ required to be provided
980 pursuant to s. 943.0435(4)(d); permanent or legal residence and
981 address of temporary residence within the state or out of state
982 while the sexual offender is under supervision in this state,
983 including any rural route address or post office box; if no
984 permanent or temporary address, any transient residence within
985 the state; and address, location or description, and dates of
986 any current or known future temporary residence within the state
987 or out of state. The sexual offender must also produce or
988 provide information about his or her passport, if he or she has
989 a passport, and, if he or she is an alien, must produce or
990 provide information about documents establishing his or her
991 immigration status. The Department of Corrections shall verify
992 the address of each sexual offender in the manner described in
993 ss. 775.21 and 943.0435. The department shall report to the
994 Department of Law Enforcement any failure by a sexual predator
995 or sexual offender to comply with registration requirements.

996 (6) The information provided to the Department of Law
997 Enforcement must include:

998 (b) The sexual offender's most current address, place of
999 permanent, temporary, or transient residence within the state or
1000 out of state, and address, location or description, and dates of
1001 any current or known future temporary residence within the state
1002 or out of state, while the sexual offender is under supervision
1003 in this state, including the name of the county or municipality
1004 in which the offender permanently or temporarily resides, or has
1005 a transient residence, and address, location or description, and
1006 dates of any current or known future temporary residence within

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the state or out of state, and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions. The sexual offender must also produce or provide information about his or her passport, if he or she has a passport, and, if he or she is an alien, must produce or provide information about documents establishing his or her immigration status;

If any information provided by the department changes during the time the sexual offender is under the department's control, custody, or supervision, including any change in the offender's name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (2).

(13)

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or

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temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all ~~any~~ electronic mail addresses ~~address~~ and all Internet identifiers ~~any instant message name~~ required to be provided pursuant to s.

943.0435(4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address. The sexual offender must also produce or provide information about his or her passport, if he or she has a passport, and, if he or she is an alien, must produce or provide information about documents establishing his or her immigration status.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification

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number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence, or who fails to report all electronic mail addresses and all Internet identifiers ~~or instant message names~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Subsection (11) of section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(11) "Risk assessment" means an assessment completed by a ~~an independent~~ qualified practitioner to evaluate the level of risk associated when a sex offender has contact with a child.

Section 10. Section 948.31, Florida Statutes, is amended to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section. The court shall require an evaluation by a qualified practitioner to determine the need of a probationer or community controllee for treatment. If the court

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determines that a need therefor is established by the evaluation process, the court shall require sexual offender treatment as a term or condition of probation or community control for any person who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607. Such treatment shall be required to be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall impose a restriction against contact with minors if sexual offender treatment is recommended.~~ The evaluation and recommendations for treatment of the probationer or community controllee shall be provided to the court for review.

Section 11. Paragraph (a) of subsection (3) of section 985.481, Florida Statutes, is amended to read:

985.481 Sexual offenders adjudicated delinquent; notification upon release.—

(3)(a) The department must provide information regarding any sexual offender who is being released after serving a period of residential commitment under the department for any offense, as follows:

1. The department must provide the sexual offender's name, any change in the offender's name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's social security number, race, sex, date of birth,

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1119 height, weight, and hair and eye color; address of any planned
1120 permanent residence or temporary residence, within the state or
1121 out of state, including a rural route address and a post office
1122 box; if no permanent or temporary address, any transient
1123 residence within the state; address, location or description,
1124 and dates of any known future temporary residence within the
1125 state or out of state; date and county of disposition and each
1126 crime for which there was a disposition; a copy of the
1127 offender's fingerprints and a digitized photograph taken within
1128 60 days before release; the date of release of the sexual
1129 offender; all ~~and~~ home telephone numbers ~~number~~ and ~~any~~ cellular
1130 telephone numbers; and passport information, if he or she has a
1131 passport, and, if he or she is an alien, information about
1132 documents establishing his or her immigration status ~~number~~. The
1133 department shall notify the Department of Law Enforcement if the
1134 sexual offender escapes, absconds, or dies. If the sexual
1135 offender is in the custody of a private correctional facility,
1136 the facility shall take the digitized photograph of the sexual
1137 offender within 60 days before the sexual offender's release and
1138 also place it in the sexual offender's file. If the sexual
1139 offender is in the custody of a local jail, the custodian of the
1140 local jail shall register the offender within 3 business days
1141 after intake of the offender for any reason and upon release,
1142 and shall notify the Department of Law Enforcement of the sexual
1143 offender's release and provide to the Department of Law
1144 Enforcement the information specified in this subparagraph and
1145 any information specified in subparagraph 2. which the
1146 Department of Law Enforcement requests.

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1147 2. The department may provide any other information
1148 considered necessary, including criminal and delinquency
1149 records, when available.

1150 Section 12. Paragraph (a) of subsection (4), paragraph (a)
1151 of subsection (6), and paragraph (b) of subsection (13) of
1152 section 985.4815, Florida Statutes, are amended to read:

1153 985.4815 Notification to Department of Law Enforcement of
1154 information on juvenile sexual offenders.—

1155 (4) A sexual offender, as described in this section, who
1156 is under the supervision of the department but who is not
1157 committed must register with the department within 3 business
1158 days after adjudication and disposition for a registrable
1159 offense and otherwise provide information as required by this
1160 subsection.

1161 (a) The sexual offender shall provide his or her name;
1162 date of birth; social security number; race; sex; height;
1163 weight; hair and eye color; tattoos or other identifying marks;
1164 permanent or legal residence and address of temporary residence
1165 within the state or out of state while the sexual offender is in
1166 the care or custody or under the jurisdiction or supervision of
1167 the department in this state, including any rural route address
1168 or post office box; if no permanent or temporary address, any
1169 transient residence; address, location or description, and dates
1170 of any current or known future temporary residence within the
1171 state or out of state; passport information, if he or she has a
1172 passport, and, if he or she is an alien, information about
1173 documents establishing his or her immigration status; and the
1174 name and address of each school attended. The department shall

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1175 verify the address of each sexual offender and shall report to
1176 the Department of Law Enforcement any failure by a sexual
1177 offender to comply with registration requirements.

1178 (6) (a) The information provided to the Department of Law
1179 Enforcement must include the following:

1180 1. The information obtained from the sexual offender under
1181 subsection (4).

1182 2. The sexual offender's most current address and place of
1183 permanent, temporary, or transient residence within the state or
1184 out of state, and address, location or description, and dates of
1185 any current or known future temporary residence within the state
1186 or out of state, while the sexual offender is in the care or
1187 custody or under the jurisdiction or supervision of the
1188 department in this state, including the name of the county or
1189 municipality in which the offender permanently or temporarily
1190 resides, or has a transient residence, and address, location or
1191 description, and dates of any current or known future temporary
1192 residence within the state or out of state; and, if known, the
1193 intended place of permanent, temporary, or transient residence,
1194 and address, location or description, and dates of any current
1195 or known future temporary residence within the state or out of
1196 state upon satisfaction of all sanctions. The sexual offender
1197 must also produce or provide information about his or her
1198 passport, if he or she has a passport, and, if he or she is an
1199 alien, must produce or provide information about documents
1200 establishing his or her immigration status.

1201 3. The legal status of the sexual offender and the
1202 scheduled termination date of that legal status.

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1203 4. The location of, and local telephone number for, any
1204 department office that is responsible for supervising the sexual
1205 offender.

1206 5. An indication of whether the victim of the offense that
1207 resulted in the offender's status as a sexual offender was a
1208 minor.

1209 6. The offense or offenses at adjudication and disposition
1210 that resulted in the determination of the offender's status as a
1211 sex offender.

1212 7. A digitized photograph of the sexual offender, which
1213 must have been taken within 60 days before the offender was
1214 released from the custody of the department or a private
1215 correctional facility by expiration of sentence under s.
1216 944.275, or within 60 days after the onset of the department's
1217 supervision of any sexual offender who is on probation,
1218 postcommitment probation, residential commitment, nonresidential
1219 commitment, licensed child-caring commitment, community control,
1220 conditional release, parole, provisional release, or control
1221 release or who is supervised by the department under the
1222 Interstate Compact Agreement for Probationers and Parolees. If
1223 the sexual offender is in the custody of a private correctional
1224 facility, the facility shall take a digitized photograph of the
1225 sexual offender within the time period provided in this
1226 subparagraph and shall provide the photograph to the department.

1227 (13)

1228 (b) The sheriff's office may determine the appropriate
1229 times and days for reporting by the sexual offender, which shall
1230 be consistent with the reporting requirements of this

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subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; passport information, if he or she has a passport, and, if he or she is an alien, information about documents establishing his or her immigration status; name and address of each school attended; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme,

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of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks after the date of the correspondence, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

Section 13. Sections 13-25 of this act may be cited as the "Florida Safe Harbor Act."

Section 14. Effective January 1, 2012, subsections (4) through (12) of section 39.001, Florida Statutes, are renumbered as subsections (5) through (13), respectively, paragraph (c) of present subsection (7) and paragraph (b) of present subsection (9) are amended, and a new subsection (4) is added to that section, to read:

39.001 Purposes and intent; personnel standards and screening.—

(4) SEXUAL EXPLOITATION SERVICES.—

(a) The Legislature recognizes that child sexual exploitation is a serious problem nationwide and in this state. The children at greatest risk of being sexually exploited are

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runaways and throwaways. Many of these children have a history of abuse and neglect. The vulnerability of these children starts 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. Although minors are by law unable to consent to sexual activity, they are most often treated as perpetrators of crime rather than victims. Moreover, the historical treatment of such children as delinquents has too often resulted in the failure to successfully prosecute the trafficker, who is the true wrongdoer and threat to society.

(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,

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1315 including counseling, health care, substance abuse treatment,
1316 educational opportunities, and a safe environment secure from
1317 traffickers.

1318 (d) The Legislature further finds that sexually exploited
1319 children need the special care and services described in
1320 paragraph (c) independent of their citizenship, residency,
1321 alien, or immigrant status. It is the intent of the Legislature
1322 that this state provide such care and services to all sexually
1323 exploited children in this state who are not otherwise receiving
1324 comparable services, such as those under the federal Trafficking
1325 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

1326 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.-

1327 (c) The office is authorized and directed to:

1328 1. Oversee the preparation and implementation of the state
1329 plan established under subsection (9) ~~(8)~~ and revise and update
1330 the state plan as necessary.

1331 2. Provide for or make available continuing professional
1332 education and training in the prevention of child abuse and
1333 neglect.

1334 3. Work to secure funding in the form of appropriations,
1335 gifts, and grants from the state, the Federal Government, and
1336 other public and private sources in order to ensure that
1337 sufficient funds are available for the promotion of adoption,
1338 support of adoptive families, and child abuse prevention
1339 efforts.

1340 4. Make recommendations pertaining to agreements or
1341 contracts for the establishment and development of:

1342 a. Programs and services for the promotion of adoption,

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1343 support of adoptive families, and prevention of child abuse and
1344 neglect.

1345 b. Training programs for the prevention of child abuse and
1346 neglect.

1347 c. Multidisciplinary and discipline-specific training
1348 programs for professionals with responsibilities affecting
1349 children, young adults, and families.

1350 d. Efforts to promote adoption.

1351 e. Postadoptive services to support adoptive families.

1352 5. Monitor, evaluate, and review the development and
1353 quality of local and statewide services and programs for the
1354 promotion of adoption, support of adoptive families, and
1355 prevention of child abuse and neglect and shall publish and
1356 distribute an annual report of its findings on or before January
1357 1 of each year to the Governor, the Speaker of the House of
1358 Representatives, the President of the Senate, the head of each
1359 state agency affected by the report, and the appropriate
1360 substantive committees of the Legislature. The report shall
1361 include:

1362 a. A summary of the activities of the office.

1363 b. A summary of the adoption data collected and reported
1364 to the federal Adoption and Foster Care Analysis and Reporting
1365 System (AFCARS) and the federal Administration for Children and
1366 Families.

1367 c. A summary of the child abuse prevention data collected
1368 and reported to the National Child Abuse and Neglect Data System
1369 (NCANDS) and the federal Administration for Children and
1370 Families.

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

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

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

6. Work with the direct-support organization established under s. 39.0011 to receive financial assistance.

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

(b) The office and the other agencies and organizations listed in paragraph (9)~~(8)~~(a) shall readdress the state plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than June 30 of each year divisible by 5. At least biennially, the office shall review the state plan and make any necessary revisions based on changing needs and program evaluation results. An annual progress report shall be submitted to update the state plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and

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neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

Section 15. Effective January 1, 2012, subsections (2) and (15) and paragraph (g) of subsection (67) of section 39.01, Florida Statutes, are amended to read:

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

(2) "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

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

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

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

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the

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parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;

(d) 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;

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

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

(g) To have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

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

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

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

Section 16. Effective January 1, 2012, paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 39.401, Florida Statutes, are amended to read:

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1455 39.401 Taking a child alleged to be dependent into
1456 custody; law enforcement officers and authorized agents of the
1457 department.—

1458 (2) If the law enforcement officer takes the child into
1459 custody, that officer shall:

1460 (b) Deliver the child to an authorized agent of the
1461 department, stating the facts by reason of which the child was
1462 taken into custody and sufficient information to establish
1463 probable cause that the child is abandoned, abused, or
1464 neglected, or otherwise dependent. In the case of a child for
1465 whom there is probable cause to believe he or she has been
1466 sexually exploited, the law enforcement officer shall deliver
1467 the child to the appropriate short-term safe house as provided
1468 for in s. 409.1678 if a short-term safe house is available.

1469
1470 For cases involving allegations of abandonment, abuse, or
1471 neglect, or other dependency cases, within 3 days after such
1472 release or within 3 days after delivering the child to an
1473 authorized agent of the department, the law enforcement officer
1474 who took the child into custody shall make a full written report
1475 to the department.

1476 (3) If the child is taken into custody by, or is delivered
1477 to, an authorized agent of the department, the agent shall
1478 review the facts supporting the removal with an attorney
1479 representing the department. The purpose of the review is to
1480 determine whether there is probable cause for the filing of a
1481 shelter petition.

1482 (b) If the facts are sufficient and the child has not been

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1483 returned to the custody of the parent or legal custodian, the
1484 department shall file the petition and schedule a hearing, and
1485 the attorney representing the department shall request that a
1486 shelter hearing be held within 24 hours after the removal of the
1487 child. While awaiting the shelter hearing, the authorized agent
1488 of the department may place the child in licensed shelter care,
1489 or in a short-term safe house if the child is a sexually
1490 exploited child, or may release the child to a parent or legal
1491 custodian or responsible adult relative or the adoptive parent
1492 of the child's sibling who shall be given priority consideration
1493 over a licensed placement, or a responsible adult approved by
1494 the department if this is in the best interests of the child.
1495 Placement of a child which is not in a licensed shelter must be
1496 preceded by a criminal history records check as required under
1497 s. 39.0138. In addition, the department may authorize placement
1498 of a housekeeper/homemaker in the home of a child alleged to be
1499 dependent until the parent or legal custodian assumes care of
1500 the child.

1501 Section 17. Effective January 1, 2012, subsection (2) and
1502 paragraphs (a), (d), and (h) of subsection (8) of section
1503 39.402, Florida Statutes, are amended to read:

1504 39.402 Placement in a shelter.—

1505 (2) A child taken into custody may be placed or continued
1506 in a shelter only if one or more of the criteria in subsection
1507 (1) apply ~~applies~~ and the court has made a specific finding of
1508 fact regarding the necessity for removal of the child from the
1509 home and has made a determination that the provision of
1510 appropriate and available services will not eliminate the need

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1511 for placement. In the case of a child who is alleged to have
1512 been sexually exploited, there is a rebuttable presumption that
1513 placement in a short-term safe house is necessary.

1514 (8) (a) A child may not be held in a shelter longer than 24
1515 hours unless an order so directing is entered by the court after
1516 a shelter hearing. In the interval until the shelter hearing is
1517 held, the decision to place the child in a shelter or release
1518 the child from a shelter lies with the protective investigator.
1519 In the case of a child who is alleged to have been sexually
1520 exploited, there is a rebuttable presumption that placement in a
1521 short-term safe house is necessary.

1522 (d) At the shelter hearing, in order to continue the child
1523 in shelter care:

1524 1. The department must establish probable cause that
1525 reasonable grounds for removal exist and that the provision of
1526 appropriate and available services will not eliminate the need
1527 for placement;

1528 2. The department must establish probable cause for the
1529 belief that the child has been sexually exploited and,
1530 therefore, that placement in a short-term safe house is the most
1531 appropriate environment for the child; or

1532 3.2- The court must determine that additional time is
1533 necessary, which may not exceed 72 hours, in which to obtain and
1534 review documents pertaining to the family in order to
1535 appropriately determine the risk to the child during which time
1536 the child shall remain in the department's custody, if so
1537 ordered by the court.

1538 (h) The order for placement of a child in shelter care

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1539 must identify the parties present at the hearing and must
1540 contain written findings:

1541 1. That placement in shelter care is necessary based on
1542 the criteria in subsections (1) and (2).

1543 2. That placement in shelter care is in the best interest
1544 of the child.

1545 3. That continuation of the child in the home is contrary
1546 to the welfare of the child because the home situation presents
1547 a substantial and immediate danger to the child's physical,
1548 mental, or emotional health or safety which cannot be mitigated
1549 by the provision of preventive services.

1550 4. That based upon the allegations of the petition for
1551 placement in shelter care, there is probable cause to believe
1552 that the child is dependent or that the court needs additional
1553 time, which may not exceed 72 hours, in which to obtain and
1554 review documents pertaining to the family in order to
1555 appropriately determine the risk to the child.

1556 5. That the department has made reasonable efforts to
1557 prevent or eliminate the need for removal of the child from the
1558 home. A finding of reasonable effort by the department to
1559 prevent or eliminate the need for removal may be made and the
1560 department is deemed to have made reasonable efforts to prevent
1561 or eliminate the need for removal if:

1562 a. The first contact of the department with the family
1563 occurs during an emergency;

1564 b. The appraisal of the home situation by the department
1565 indicates that the home situation presents a substantial and
1566 immediate danger to the child's physical, mental, or emotional

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1567 health or safety which cannot be mitigated by the provision of
1568 preventive services;

1569 c. The child cannot safely remain at home, either because
1570 there are no preventive services that can ensure the health and
1571 safety of the child or because, even with appropriate and
1572 available services being provided, the health and safety of the
1573 child cannot be ensured;

1574 d. The child has been sexually exploited; or

1575 e.~~d.~~ The parent or legal custodian is alleged to have
1576 committed any of the acts listed as grounds for expedited
1577 termination of parental rights in s. 39.806(1)(f)-(i).

1578 6. That the court notified the parents, relatives that are
1579 providing out-of-home care for the child, or legal custodians of
1580 the time, date, and location of the next dependency hearing and
1581 of the importance of the active participation of the parents,
1582 relatives that are providing out-of-home care for the child, or
1583 legal custodians in all proceedings and hearings.

1584 7. That the court notified the parents or legal custodians
1585 of their right to counsel to represent them at the shelter
1586 hearing and at each subsequent hearing or proceeding, and the
1587 right of the parents to appointed counsel, pursuant to the
1588 procedures set forth in s. 39.013.

1589 8. That the court notified relatives who are providing
1590 out-of-home care for a child as a result of the shelter petition
1591 being granted that they have the right to attend all subsequent
1592 hearings, to submit reports to the court, and to speak to the
1593 court regarding the child, if they so desire.

1594 Section 18. Effective January 1, 2012, paragraph (f) of

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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, 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

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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 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

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1651 has been made if the appraisal of the home situation by the
1652 department indicates that the severity of the conditions of
1653 dependency is such that reunification efforts are inappropriate.
1654 The department has the burden of demonstrating to the court that
1655 reunification efforts were inappropriate.

1656 5. If the court finds that the prevention or reunification
1657 effort of the department would not have permitted the child to
1658 remain safely at home, the court may commit the child to the
1659 temporary legal custody of the department or take any other
1660 action authorized by this chapter.

1661 (3) When any child is adjudicated by a court to be
1662 dependent, the court shall determine the appropriate placement
1663 for the child as follows:

1664 (d) If the child cannot be safely placed in a nonlicensed
1665 placement, the court shall commit the child to the temporary
1666 legal custody of the department. Such commitment invests in the
1667 department all rights and responsibilities of a legal custodian.
1668 The department shall not return any child to the physical care
1669 and custody of the person from whom the child was removed,
1670 except for court-approved visitation periods, without the
1671 approval of the court. Any order for visitation or other contact
1672 must conform to the provisions of s. 39.0139. There is a
1673 rebuttable presumption that any child who has been found to be a
1674 victim of sexual exploitation as defined in s. 39.01(67)(g) be
1675 committed to a safe house as provided for in s. 409.1678. The
1676 term of such commitment continues until terminated by the court
1677 or until the child reaches the age of 18. After the child is
1678 committed to the temporary legal custody of the department, all

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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 19. Effective January 1, 2012, section 39.524, Florida Statutes, is created to read:

39.524 Safe-harbor placement.—

(1) Except as provided in s. 39.407, any dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in s. 39.01(67)(g) must be assessed for placement in a safe house as provided in s. 409.1678. The assessment shall be conducted by the department or its agent and shall incorporate and address current and

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1707 historical information from any law enforcement reports;
1708 psychological testing or evaluation that has occurred; current
1709 and historical information from the guardian ad litem, if one
1710 has been assigned; current and historical information from any
1711 current therapist, teacher, or other professional who has
1712 knowledge of the child and has worked with the child; and any
1713 other information concerning the availability and suitability of
1714 safe-house placement. If such placement is determined to be
1715 appropriate as a result of this procedure, the child must be
1716 placed in a safe house, if one is available. As used in this
1717 section, the term "available" as it relates to a placement means
1718 a placement that is located within the circuit or that is
1719 otherwise reasonably accessible.

1720 (2) The results of the assessment described in subsection
1721 (1) and the actions taken as a result of the assessment must be
1722 included in the next judicial review of the child. At each
1723 subsequent judicial review, the court must be advised in writing
1724 of the status of the child's placement, with special reference
1725 regarding the stability of the placement and the permanency
1726 planning for the child.

1727 (3) Any safe house that receives children under this
1728 section shall establish special permanency teams dedicated to
1729 overcoming the special permanency challenges presented by this
1730 population of children. Each facility shall report to the
1731 department its success in achieving permanency for children
1732 placed by the department in its care at intervals that allow the
1733 current information to be provided to the court at each judicial
1734 review for the child.

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1735 (4) (a) By December 1 of each year, the department shall
1736 report to the Legislature on the placement of children in safe
1737 houses during the year, including the criteria used to determine
1738 the placement of children, the number of children who were
1739 evaluated for placement, the number of children who were placed
1740 based upon the evaluation, and the number of children who were
1741 not placed.

1742 (b) The department shall maintain data specifying the
1743 number of children who were referred to a safe house for whom
1744 placement was unavailable and the counties in which such
1745 placement was unavailable. The department shall include this
1746 data in its report under this subsection so that the Legislature
1747 may consider this information in developing the General
1748 Appropriations Act.

1749 Section 20. Effective January 1, 2012, section 409.1678,
1750 Florida Statutes, is created to read:

1751 409.1678 Safe harbor for children who are victims of
1752 sexual exploitation.—

1753 (1) As used in this section, the term:

1754 (a) "Child advocate" means an employee of a short-term
1755 safe house who has been trained to work with and advocate for
1756 the needs of sexually exploited children. The advocate shall
1757 accompany the child to all court appearances, meetings with law
1758 enforcement, and the state attorney's office and shall serve as
1759 a liaison between the short-term safe house and the court.

1760 (b) "Safe house" means a living environment that has set
1761 aside gender-specific, separate, and distinct living quarters
1762 for sexually exploited children who have been adjudicated

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1763 dependent or delinquent and need to reside in a secure
1764 residential facility with staff members awake 24 hours a day. A
1765 safe house shall be operated by a licensed family foster home or
1766 residential child-caring agency as defined in s. 409.175,
1767 including a runaway youth center as defined in s. 409.441. Each
1768 facility must be appropriately licensed in this state as a
1769 residential child-caring agency as defined in s. 409.175 and
1770 must be accredited by July 1, 2012. A safe house serving
1771 children who have been sexually exploited must have available
1772 staff or contract personnel with the clinical expertise,
1773 credentials, and training to provide services identified in
1774 paragraph (2) (b).

1775 (c) "Secure" means that a child is supervised 24 hours a
1776 day by staff members who are awake while on duty.

1777 (d) "Sexually exploited child" means a dependent child who
1778 has suffered sexual exploitation as defined in s. 39.01(67) (g)
1779 and is ineligible for relief and benefits under the federal
1780 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

1781 (e) "Short-term safe house" means a shelter operated by a
1782 licensed residential child-caring agency as defined in s.
1783 409.175, including a runaway youth center as defined in s.
1784 409.441, that has set aside gender-specific, separate, and
1785 distinct living quarters for sexually exploited children. In
1786 addition to shelter, the house shall provide services and care
1787 to sexually exploited children, including food, clothing,
1788 medical care, counseling, and appropriate crisis intervention
1789 services at the time they are taken into custody by law
1790 enforcement or the department.

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1791 (2) (a) Notwithstanding any other provision of law,
1792 pursuant to regulations of the department, every circuit of the
1793 department shall address the child welfare service needs of
1794 sexually exploited children as a component of the circuit's
1795 master plan. This determination shall be made in consultation
1796 with local law enforcement, runaway and homeless youth program
1797 providers, local probation departments, local community-based
1798 care and social services, local guardians ad litem, public
1799 defenders, state attorney's offices, and child advocates and
1800 services providers who work directly with sexually exploited
1801 youth.

1802 (b) The lead agency, not-for-profit agency, or local
1803 government entity providing safe-house services is responsible
1804 for security, crisis intervention services, general counseling
1805 and victim-witness counseling, a comprehensive assessment,
1806 residential care, transportation, access to behavioral health
1807 services, recreational activities, food, clothing, supplies,
1808 infant care, and miscellaneous expenses associated with caring
1809 for these children; for necessary arrangement for or provision
1810 of educational services, including life skills services and
1811 planning services to successfully transition residents back to
1812 the community; and for ensuring necessary and appropriate health
1813 and dental care.

1814 (c) This section does not prohibit any provider of these
1815 services from appropriately billing Medicaid for services
1816 rendered, from contracting with a local school district for
1817 educational services, or from obtaining federal or local funding
1818 for services provided, as long as two or more funding sources do

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1819 not pay for the same specific service that has been provided to
1820 a child.

1821 (d) The lead agency, not-for-profit agency, or local
1822 government entity providing safe-house services has the legal
1823 authority for children served in a safe-house program, as
1824 provided in chapter 39 or this chapter, as appropriate, to
1825 enroll the child in school, to sign for a driver's license for
1826 the child, to cosign loans and insurance for the child, to sign
1827 for medical treatment of the child, and to authorize other such
1828 activities.

1829 (e) All of the services created under this section may, to
1830 the extent possible provided by law, be available to all
1831 sexually exploited children whether they are accessed
1832 voluntarily, as a condition of probation, through a diversion
1833 program, through a proceeding under chapter 39, or through a
1834 referral from a local community-based care or social service
1835 agency.

1836 (3) The local circuit administrator may, to the extent
1837 that funds are available, in conjunction with local law
1838 enforcement officials, contract with an appropriate not-for-
1839 profit agency having experience working with sexually exploited
1840 children to train law enforcement officials who are likely to
1841 encounter sexually exploited children in the course of their law
1842 enforcement duties on the provisions of this section and how to
1843 identify and obtain appropriate services for sexually exploited
1844 children. Circuits may work cooperatively to provide such
1845 training, and such training may be provided on a regional basis.
1846 The department shall assist circuits in obtaining any available

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1847 funds for the purposes of conducting law enforcement training
1848 from the Office of Juvenile Justice and Delinquency Prevention
1849 of the United States Department of Justice.

1850 Section 21. Effective January 1, 2012, paragraph (f) of
1851 subsection (2) of section 796.07, Florida Statutes, is
1852 republished, and subsection (6) of that section is amended, to
1853 read:

1854 796.07 Prohibiting prostitution and related acts, ~~etc.;~~
1855 ~~evidence; penalties; definitions.~~—

1856 (2) It is unlawful:

1857 (f) To solicit, induce, entice, or procure another to
1858 commit prostitution, lewdness, or assignation.

1859 (6) A person who violates paragraph (2)(f) shall be
1860 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
1861 in any judicial disposition other than acquittal or dismissal.
1862 Of the proceeds from each penalty ~~penalties~~ assessed under this
1863 subsection, \$500 shall be paid to the circuit court
1864 administrator for the sole purpose of paying the administrative
1865 costs of treatment-based drug court programs provided under s.
1866 397.334 and \$4,500 shall be paid to the Department of Children
1867 and Family Services for the sole purpose of funding safe houses
1868 and short-term safe houses as provided in s. 409.1678.

1869 Section 22. Effective January 1, 2012, section 960.065,
1870 Florida Statutes, is amended to read:

1871 960.065 Eligibility for awards.—

1872 (1) Except as provided in subsection (2), the following
1873 persons shall be eligible for awards pursuant to this chapter:

1874 (a) A victim.

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(b) An intervenor.

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

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

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

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

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

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

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

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

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

(3) Any claim filed by or on behalf of a person who was in custody or confined, regardless of adjudication, in a county or municipal facility, a state or federal correctional facility, or a juvenile detention, commitment, or assessment facility at the time of the crime upon which the claim is based, who has been adjudicated as a habitual felony offender under s. 775.084, or

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1903 who has been adjudicated guilty of a forcible felony offense as
1904 described in s. 776.08, renders the person ineligible ~~shall not~~
1905 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
1906 finding by the Crime Victims' Services Office of the existence
1907 of mitigating or special circumstances that would render such a
1908 disqualification unjust, an award may be approved. A decision
1909 that mitigating or special circumstances do not exist in a case
1910 subject to this section does ~~shall~~ not constitute final agency
1911 action subject to review pursuant to ss. 120.569 and 120.57.

1912 (4) Payment may not be made under this chapter if the
1913 person who committed the crime upon which the claim is based
1914 will receive any direct or indirect financial benefit from such
1915 payment, unless such benefit is minimal or inconsequential.
1916 Payment may not be denied based on the victim's familial
1917 relationship to the offender or based upon the sharing of a
1918 residence by the victim and offender, except to prevent unjust
1919 enrichment of the offender.

1920 (5) A person is not ineligible for an award pursuant to
1921 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
1922 person is a victim of sexual exploitation of a child as defined
1923 in s. 39.01(67)(g).

1924 Section 23. Effective January 1, 2012, paragraph (b) of
1925 subsection (2) of section 985.115, Florida Statutes, is amended
1926 to read:

1927 985.115 Release or delivery from custody.—

1928 (2) Unless otherwise ordered by the court under s. 985.255
1929 or s. 985.26, and unless there is a need to hold the child, a
1930 person taking a child into custody shall attempt to release the

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child as follows:

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

Section 24. Effective January 1, 2012, paragraph (i) of subsection (1) of section 985.145, Florida Statutes, is amended to read:

985.145 Responsibilities of juvenile probation officer during intake; screenings and assessments.—

(1) The juvenile probation officer shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Family Services shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section. In addition to duties specified in other sections and through departmental rules, the assigned juvenile probation officer shall be responsible for the following:

(i) Recommendation concerning a petition.—Upon determining that the report, affidavit, or complaint complies with the standards of a probable cause affidavit and that the interests of the child and the public will be best served, the juvenile probation officer may recommend that a delinquency petition not be filed. If such a recommendation is made, the juvenile probation officer shall advise in writing the person or agency making the report, affidavit, or complaint, the victim, if any, and the law enforcement agency having investigative jurisdiction over the offense of the recommendation; the reasons therefor;

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and that the person or agency may submit, within 10 days after the receipt of such notice, the report, affidavit, or complaint to the state attorney for special review. In the case of a report, affidavit, or complaint alleging a violation of s. 796.07(2)(f), there is a presumption that the juvenile probation officer recommend that a petition not be filed unless the child has previously been adjudicated delinquent. The state attorney, upon receiving a request for special review, shall consider the facts presented by the report, affidavit, or complaint, and by the juvenile probation officer who made the recommendation that no petition be filed, before making a final decision as to whether a petition or information should or should not be filed.

Section 25. Effective January 1, 2012, paragraph (c) of subsection (1) of section 985.15, Florida Statutes, is amended to read:

985.15 Filing decisions.—

(1) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer and shall determine the action that is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult under s. 985.556, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such a request. In all other cases, the state attorney may:

(c) File a petition for delinquency. In the case of a report, affidavit, or complaint alleging a violation of s. 796.07(2)(f), there is a presumption that a petition not be

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1987 filed unless the child has previously been adjudicated
1988 delinquent;

1989 Section 26. If any provision of this act or its
1990 application to any person or circumstance is held invalid, the
1991 invalidity does not affect other provisions or applications of
1992 this act which can be given effect without the invalid provision
1993 or application, and to this end the provisions of this act are
1994 severable. This section shall take effect upon this act becoming
1995 a law.

1996 Section 27. Except as otherwise expressly provided in this
1997 act and except for this section, which shall take effect upon
1998 this act becoming a law, this act shall take effect April 30,
1999 2012.