

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; amending s. 943.0435, F.S.;
18 replacing the definition of the term "instant message
19 name" with the definition of the term "Internet
20 identifier"; conforming provisions; requiring disclosure
21 of passport and immigration status information; requiring
22 that a sexual predator who is unable to secure or update a
23 driver's license or identification card within a specified
24 period must report specified information to the local
25 sheriff's office within a specified period of such change
26 with confirmation that he or she also reported such
27 information to the Department of Highway Safety and Motor
28 Vehicles; providing additional requirements for sexual

29 offenders intending to reside outside of the United
30 States; amending s. 943.04351, F.S.; requiring a specified
31 national search of registration information regarding
32 sexual predators and sexual offenders prior to appointment
33 or employment of persons by state agencies and
34 governmental subdivisions; amending s. 943.04354, F.S.;
35 revising the age range applicable to provisions allowing
36 removal of the requirement to register as a sexual
37 offender or sexual predator in certain circumstances;
38 revising eligibility requirements for removal of the
39 requirement to register as a sexual offender or sexual
40 predator; amending s. 943.0437, F.S.; replacing the
41 definition of the term "instant message name" with the
42 definition of the term "Internet identifier"; conforming
43 provisions; amending ss. 944.606 and 944.607, F.S.;
44 replacing the definition of the term "instant message
45 name" with the definition of the term "Internet
46 identifier"; conforming provisions; requiring disclosure
47 of passport and immigration status information; amending
48 s. 947.005, F.S.; revising the definition of the term
49 "risk assessment"; amending s. 948.31, F.S.; providing
50 that conditions imposed under that section do not require
51 oral pronouncement at the time of sentencing and shall be
52 considered standard conditions of probation or community
53 control for certain offenders; removing a provision
54 prohibiting contact with minors if sexual offender
55 treatment is recommended; amending ss. 985.481 and
56 985.4815, F.S.; requiring disclosure of passport and

immigration status information by certain sexual offenders adjudicated delinquent and certain juvenile sexual offenders; providing a short title; amending s. 39.001, F.S.; providing legislative intent and goals; conforming cross-references; amending s. 39.01, F.S.; revising the definitions of the terms "abuse," "child who is found to be dependent," and "sexual abuse of a child"; amending s. 39.401, F.S.; requiring delivery of children alleged to be dependent and sexually exploited to short-term safe houses; amending s. 39.402, F.S.; providing for a presumption that placement of a child alleged to have been sexually exploited in a short-term safe house is necessary; providing requirements for findings in a shelter hearing relating to placement of an allegedly sexually exploited child in a short-term safe house; amending s. 39.521, F.S.; providing for a presumption that placement of a child alleged to have been sexually exploited in a safe house is necessary; creating s. 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

85 their operators; providing for training for law
86 enforcement officials who are likely to encounter sexually
87 exploited children; amending s. 796.07, F.S.; providing
88 for an increased civil penalty for soliciting another to
89 commit prostitution or related acts; providing for
90 disposition of proceeds; amending s. 960.065, F.S.;
91 allowing victim compensation for sexually exploited
92 children; amending s. 985.115, F.S.; conforming a
93 provision to changes made by the act; amending ss. 985.145
94 and 985.15, F.S.; providing a presumption against filing a
95 delinquency petition for certain prostitution-related
96 offenses in certain circumstances; providing severability;
97 providing effective dates.

98
99 Be It Enacted by the Legislature of the State of Florida:

100
101 Section 1. Paragraph (i) of subsection (2), paragraphs
102 (a), (e), (g), (i), and (j) of subsection (6), paragraph (a) of
103 subsection (8), and paragraph (a) of subsection (10) of section
104 775.21, Florida Statutes, are amended to read:

105 775.21 The Florida Sexual Predators Act.—

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

107 (i) "Internet identifier ~~Instant message name~~" means all
108 electronic mail, chat, instant messenger, social networking, or
109 similar name used for Internet communication, but does not
110 include a date of birth, social security number, or personal
111 identification number (PIN) ~~an identifier that allows a person~~
112 ~~to communicate in real time with another person using the~~

113 ~~Internet.~~ Voluntary disclosure by the sexual predator of his or
114 her date of birth, social security number, or personal
115 identification number (PIN) as an Internet identifier waives the
116 disclosure exemption in this paragraph for such personal
117 information.

118 (6) REGISTRATION.—

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

122 1. Name; social security number; age; race; sex; date of
123 birth; height; weight; hair and eye color; photograph; address
124 of legal residence and address of any current temporary
125 residence, within the state or out of state, including a rural
126 route address and a post office box; if no permanent or
127 temporary address, any transient residence within the state;
128 address, location or description, and dates of any current or
129 known future temporary residence within the state or out of
130 state; all ~~any~~ electronic mail addresses ~~address~~ and all
131 Internet identifiers ~~any instant message name~~ required to be
132 provided pursuant to subparagraph (g)4.; all home telephone
133 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
134 and place of any employment; date and place of each conviction;
135 fingerprints; and a brief description of the crime or crimes
136 committed by the offender. A post office box shall not be
137 provided in lieu of a physical residential address. The sexual
138 predator must also produce or provide information about his or
139 her passport, if he or she has a passport, and, if he or she is
140 an alien, must produce or provide information about documents

141 establishing his or her immigration status.

142 a. If the sexual predator's place of residence is a motor
143 vehicle, trailer, mobile home, or manufactured home, as defined
144 in chapter 320, the sexual predator shall also provide to the
145 department written notice of the vehicle identification number;
146 the license tag number; the registration number; and a
147 description, including color scheme, of the motor vehicle,
148 trailer, mobile home, or manufactured home. If a sexual
149 predator's place of residence is a vessel, live-aboard vessel,
150 or houseboat, as defined in chapter 327, the sexual predator
151 shall also provide to the department written notice of the hull
152 identification number; the manufacturer's serial number; the
153 name of the vessel, live-aboard vessel, or houseboat; the
154 registration number; and a description, including color scheme,
155 of the vessel, live-aboard vessel, or houseboat.

156 b. If the sexual predator is enrolled, employed, or
157 carrying on a vocation at an institution of higher education in
158 this state, the sexual predator shall also provide to the
159 department the name, address, and county of each institution,
160 including each campus attended, and the sexual predator's
161 enrollment or employment status. Each change in enrollment or
162 employment status shall be reported in person at the sheriff's
163 office, or the Department of Corrections if the sexual predator
164 is in the custody or control of or under the supervision of the
165 Department of Corrections, within 48 hours after any change in
166 status. The sheriff or the Department of Corrections shall
167 promptly notify each institution of the sexual predator's
168 presence and any change in the sexual predator's enrollment or

169 employment status.

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

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

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

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

184 2. Any change in the sexual predator's permanent or
185 temporary residence, name, or all ~~any~~ electronic mail addresses
186 ~~address~~ and all Internet identifiers ~~any instant message name~~
187 required to be provided pursuant to subparagraph (g)4., after
188 the sexual predator registers in person at the sheriff's office
189 as provided in subparagraph 1., shall be accomplished in the
190 manner provided in paragraphs (g), (i), and (j). When a sexual
191 predator registers with the sheriff's office, the sheriff shall
192 take a photograph and a set of fingerprints of the predator and
193 forward the photographs and fingerprints to the department,
194 along with the information that the predator is required to
195 provide pursuant to this section.

196 (g)1. Each time a sexual predator's driver's license or

197 identification card is subject to renewal, and, without regard
198 to the status of the predator's driver's license or
199 identification card, within 48 hours after any change of the
200 predator's residence or change in the predator's name by reason
201 of marriage or other legal process, the predator shall report in
202 person to a driver's license office and shall be subject to the
203 requirements specified in paragraph (f). The Department of
204 Highway Safety and Motor Vehicles shall forward to the
205 department and to the Department of Corrections all photographs
206 and information provided by sexual predators. Notwithstanding
207 the restrictions set forth in s. 322.142, the Department of
208 Highway Safety and Motor Vehicles is authorized to release a
209 reproduction of a color-photograph or digital-image license to
210 the Department of Law Enforcement for purposes of public
211 notification of sexual predators as provided in this section. A
212 sexual predator who is unable to secure or update a driver's
213 license or identification card with the Department of Highway
214 Safety and Motor Vehicles as provided in paragraph (f) and this
215 paragraph must also report any change of the predator's
216 residence or change in the predator's name by reason of marriage
217 or other legal process within 48 hours after the change to the
218 sheriff's office in the county where the predator resides or is
219 located and provide confirmation that he or she reported such
220 information to the Department of Highway Safety and Motor
221 Vehicles.

222 2. A sexual predator who vacates a permanent, temporary,
223 or transient residence and fails to establish or maintain
224 another permanent, temporary, or transient residence shall,

225 within 48 hours after vacating the permanent, temporary, or
226 transient residence, report in person to the sheriff's office of
227 the county in which he or she is located. The sexual predator
228 shall specify the date upon which he or she intends to or did
229 vacate such residence. The sexual predator must provide or
230 update all of the registration information required under
231 paragraph (a). The sexual predator must provide an address for
232 the residence or other place that he or she is or will be
233 located during the time in which he or she fails to establish or
234 maintain a permanent or temporary residence.

235 3. A sexual predator who remains at a permanent,
236 temporary, or transient residence after reporting his or her
237 intent to vacate such residence shall, within 48 hours after the
238 date upon which the predator indicated he or she would or did
239 vacate such residence, report in person to the sheriff's office
240 to which he or she reported pursuant to subparagraph 2. for the
241 purpose of reporting his or her address at such residence. When
242 the sheriff receives the report, the sheriff shall promptly
243 convey the information to the department. An offender who makes
244 a report as required under subparagraph 2. but fails to make a
245 report as required under this subparagraph commits a felony of
246 the second degree, punishable as provided in s. 775.082, s.
247 775.083, or s. 775.084.

248 4. A sexual predator must register all ~~any~~ electronic mail
249 addresses and Internet identifiers ~~address or instant message~~
250 ~~name~~ with the department prior to using such electronic mail
251 addresses and Internet identifiers ~~address or instant message~~
252 ~~name on or after October 1, 2007~~. The department shall establish

253 an online system through which sexual predators may securely
254 access and update all electronic mail address and Internet
255 identifier ~~instant message name~~ information.

256 (i) A sexual predator who intends to establish a
257 permanent, temporary, or transient residence in another state or
258 jurisdiction other than the State of Florida shall report in
259 person to the sheriff of the county of current residence within
260 48 hours before the date he or she intends to leave this state
261 to establish residence in another state or jurisdiction or
262 within 21 days before his or her planned departure date if the
263 intended residence of 7 days or more is outside of the United
264 States. The sexual predator must provide to the sheriff the
265 address, municipality, county, ~~and~~ state, and country of
266 intended residence. The sheriff shall promptly provide to the
267 department the information received from the sexual predator.
268 The department shall notify the statewide law enforcement
269 agency, or a comparable agency, in the intended state, ~~or~~
270 jurisdiction, or country of residence of the sexual predator's
271 intended residence. The failure of a sexual predator to provide
272 his or her intended place of residence is punishable as provided
273 in subsection (10).

274 (j) A sexual predator who indicates his or her intent to
275 establish a permanent, temporary, or transient residence in
276 another state, a ~~or~~ jurisdiction other than the State of
277 Florida, or another country and later decides to remain in this
278 state shall, within 48 hours after the date upon which the
279 sexual predator indicated he or she would leave this state,
280 report in person to the sheriff to which the sexual predator

281 reported the intended change of residence, and report his or her
282 intent to remain in this state. If the sheriff is notified by
283 the sexual predator that he or she intends to remain in this
284 state, the sheriff shall promptly report this information to the
285 department. A sexual predator who reports his or her intent to
286 establish a permanent, temporary, or transient residence in
287 another state, a ~~or~~ jurisdiction other than the State of
288 Florida, or another country, but who remains in this state
289 without reporting to the sheriff in the manner required by this
290 paragraph, commits a felony of the second degree, punishable as
291 provided in s. 775.082, s. 775.083, or s. 775.084.

292 (8) VERIFICATION.—The department and the Department of
293 Corrections shall implement a system for verifying the addresses
294 of sexual predators. The system must be consistent with the
295 provisions of the federal Adam Walsh Child Protection and Safety
296 Act of 2006 and any other federal standards applicable to such
297 verification or required to be met as a condition for the
298 receipt of federal funds by the state. The Department of
299 Corrections shall verify the addresses of sexual predators who
300 are not incarcerated but who reside in the community under the
301 supervision of the Department of Corrections and shall report to
302 the department any failure by a sexual predator to comply with
303 registration requirements. County and local law enforcement
304 agencies, in conjunction with the department, shall verify the
305 addresses of sexual predators who are not under the care,
306 custody, control, or supervision of the Department of
307 Corrections. Local law enforcement agencies shall report to the
308 department any failure by a sexual predator to comply with

309 registration requirements.

310 (a) A sexual predator must report in person each year
311 during the month of the sexual predator's birthday and during
312 every third month thereafter to the sheriff's office in the
313 county in which he or she resides or is otherwise located to
314 reregister. The sheriff's office may determine the appropriate
315 times and days for reporting by the sexual predator, which shall
316 be consistent with the reporting requirements of this paragraph.
317 Reregistration shall include any changes to the following
318 information:

319 1. Name; social security number; age; race; sex; date of
320 birth; height; weight; hair and eye color; address of any
321 permanent residence and address of any current temporary
322 residence, within the state or out of state, including a rural
323 route address and a post office box; if no permanent or
324 temporary address, any transient residence within the state;
325 address, location or description, and dates of any current or
326 known future temporary residence within the state or out of
327 state; all ~~any~~ electronic mail addresses ~~address~~ and all
328 Internet identifiers ~~any instant message name~~ required to be
329 provided pursuant to subparagraph (6)(g)4.; all home telephone
330 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
331 and place of any employment; vehicle make, model, color, and
332 license tag number; fingerprints; and photograph. A post office
333 box shall not be provided in lieu of a physical residential
334 address. The sexual predator must also produce or provide
335 information about his or her passport, if he or she has a
336 passport, and, if he or she is an alien, must produce or provide

337 information about documents establishing his or her immigration
338 status.

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

345 3. If the sexual predator's place of residence is a motor
346 vehicle, trailer, mobile home, or manufactured home, as defined
347 in chapter 320, the sexual predator shall also provide the
348 vehicle identification number; the license tag number; the
349 registration number; and a description, including color scheme,
350 of the motor vehicle, trailer, mobile home, or manufactured
351 home. If the sexual predator's place of residence is a vessel,
352 live-aboard vessel, or houseboat, as defined in chapter 327, the
353 sexual predator shall also provide the hull identification
354 number; the manufacturer's serial number; the name of the
355 vessel, live-aboard vessel, or houseboat; the registration
356 number; and a description, including color scheme, of the
357 vessel, live-aboard vessel, or houseboat.

358 (10) PENALTIES.—

359 (a) Except as otherwise specifically provided, a sexual
360 predator who fails to register; who fails, after registration,
361 to maintain, acquire, or renew a driver's license or
362 identification card; who fails to provide required location
363 information, electronic mail address information, Internet
364 identifier ~~instant message name~~ information, all home telephone

365 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or
366 change-of-name information; who fails to make a required report
367 in connection with vacating a permanent residence; who fails to
368 reregister as required; who fails to respond to any address
369 verification correspondence from the department within 3 weeks
370 of the date of the correspondence; or who otherwise fails, by
371 act or omission, to comply with the requirements of this
372 section, commits a felony of the third degree, punishable as
373 provided in s. 775.082, s. 775.083, or s. 775.084.

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

378 943.0435 Sexual offenders required to register with the
379 department; penalty.—

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

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

384 a.(I) Has been convicted of committing, or attempting,
385 soliciting, or conspiring to commit, any of the criminal
386 offenses proscribed in the following statutes in this state or
387 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
388 or s. 787.025(2)(c), where the victim is a minor and the
389 defendant is not the victim's parent or guardian; s. 794.011,
390 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
391 800.04; s. 825.1025; s. 826.04 where the victim is a minor and
392 the defendant is 18 years of age or older; s. 827.071; s.

393 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
394 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
395 committed in this state which has been redesignated from a
396 former statute number to one of those listed in this sub-sub-
397 subparagraph; and

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

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

417 c. Establishes or maintains a residence in this state who
418 is in the custody or control of, or under the supervision of,
419 any other state or jurisdiction as a result of a conviction for
420 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, 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.

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

477 registration under this section if the offender is not in the
478 custody or control of, or under the supervision of, the
479 Department of Corrections, or is not in the custody of a private
480 correctional facility.

481
482 Any change in the information required to be provided pursuant
483 to paragraph (b), including, but not limited to, any change in
484 the sexual offender's permanent, temporary, or transient
485 residence, name, all ~~any~~ electronic mail addresses ~~address~~ and
486 all Internet identifiers ~~any instant message name~~ required to be
487 provided pursuant to paragraph (4)(d), after the sexual offender
488 reports in person at the sheriff's office, shall be accomplished
489 in the manner provided in subsections (4), (7), and (8).

490 (b) Provide his or her name; date of birth; social
491 security number; race; sex; height; weight; hair and eye color;
492 tattoos or other identifying marks; occupation and place of
493 employment; address of permanent or legal residence or address
494 of any current temporary residence, within the state or out of
495 state, including a rural route address and a post office box; if
496 no permanent or temporary address, any transient residence
497 within the state, address, location or description, and dates of
498 any current or known future temporary residence within the state
499 or out of state; all home telephone numbers ~~number~~ and ~~any~~
500 cellular telephone numbers ~~number~~; all ~~any~~ electronic mail
501 addresses ~~address~~ and all Internet identifiers ~~any instant~~
502 ~~message name~~ required to be provided pursuant to paragraph
503 (4)(d); date and place of each conviction; and a brief
504 description of the crime or crimes committed by the offender. A

505 post office box shall not be provided in lieu of a physical
506 residential address. The sexual offender must also produce or
507 provide information about his or her passport, if he or she has
508 a passport, and, if he or she is an alien, must produce or
509 provide information about documents establishing his or her
510 immigration status.

511 1. If the sexual offender's place of residence is a motor
512 vehicle, trailer, mobile home, or manufactured home, as defined
513 in chapter 320, the sexual offender shall also provide to the
514 department through the sheriff's office written notice of the
515 vehicle identification number; the license tag number; the
516 registration number; and a description, including color scheme,
517 of the motor vehicle, trailer, mobile home, or manufactured
518 home. If the sexual offender's place of residence is a vessel,
519 live-aboard vessel, or houseboat, as defined in chapter 327, the
520 sexual offender shall also provide to the department written
521 notice of the hull identification number; the manufacturer's
522 serial number; the name of the vessel, live-aboard vessel, or
523 houseboat; the registration number; and a description, including
524 color scheme, of the vessel, live-aboard vessel, or houseboat.

525 2. If the sexual offender is enrolled, employed, or
526 carrying on a vocation at an institution of higher education in
527 this state, the sexual offender shall also provide to the
528 department through the sheriff's office the name, address, and
529 county of each institution, including each campus attended, and
530 the sexual offender's enrollment or employment status. Each
531 change in enrollment or employment status shall be reported in
532 person at the sheriff's office, within 48 hours after any change

533 in status. The sheriff shall promptly notify each institution of
534 the sexual offender's presence and any change in the sexual
535 offender's enrollment or employment status.

536
537 When a sexual offender reports at the sheriff's office, the
538 sheriff shall take a photograph and a set of fingerprints of the
539 offender and forward the photographs and fingerprints to the
540 department, along with the information provided by the sexual
541 offender. The sheriff shall promptly provide to the department
542 the information received from the sexual offender.

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

561 card with the Department of Highway Safety and Motor Vehicles as
562 provided in subsection (3) and this subsection must also report
563 any change in the sexual offender's permanent, temporary, or
564 transient residence or change in the offender's name by reason
565 of marriage or other legal process within 48 hours after the
566 change to the sheriff's office in the county where the offender
567 resides or is located and provide confirmation that he or she
568 reported such information to Department of Highway Safety and
569 Motor Vehicles.

570 (d) A sexual offender must register all ~~any~~ electronic
571 mail addresses and Internet identifiers ~~address or instant~~
572 ~~message name~~ with the department prior to using such electronic
573 mail addresses and Internet identifiers ~~address or instant~~
574 ~~message name on or after October 1, 2007.~~ The department shall
575 establish an online system through which sexual offenders may
576 securely access and update all electronic mail address and
577 Internet identifier ~~instant message name~~ information.

578 (7) A sexual offender who intends to establish a
579 permanent, temporary, or transient residence in another state or
580 jurisdiction other than the State of Florida shall report in
581 person to the sheriff of the county of current residence within
582 48 hours before the date he or she intends to leave this state
583 to establish residence in another state or jurisdiction or
584 within 21 days before his or her planned departure date if the
585 intended residence of 7 days or more is outside of the United
586 States. The notification must include the address, municipality,
587 county, ~~and state,~~ and country of intended residence. The
588 sheriff shall promptly provide to the department the information

589 received from the sexual offender. The department shall notify
590 the statewide law enforcement agency, or a comparable agency, in
591 the intended state, ~~or~~ jurisdiction, or country of residence of
592 the sexual offender's intended residence. The failure of a
593 sexual offender to provide his or her intended place of
594 residence is punishable as provided in subsection (9).

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

612 (14)

613 (c) The sheriff's office may determine the appropriate
614 times and days for reporting by the sexual offender, which shall
615 be consistent with the reporting requirements of this
616 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 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 Internet identifiers any instant message name required to be provided pursuant to paragraph (4) (d); all home telephone numbers number and all any cellular telephone numbers number; 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

645 vehicle, trailer, mobile home, or manufactured home, as defined
646 in chapter 320, the sexual offender shall also provide the
647 vehicle identification number; the license tag number; the
648 registration number; and a description, including color scheme,
649 of the motor vehicle, trailer, mobile home, or manufactured
650 home. If the sexual offender's place of residence is a vessel,
651 live-aboard vessel, or houseboat, as defined in chapter 327, the
652 sexual offender shall also provide the hull identification
653 number; the manufacturer's serial number; the name of the
654 vessel, live-aboard vessel, or houseboat; the registration
655 number; and a description, including color scheme, of the
656 vessel, live-aboard vessel or houseboat.

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

664 Section 3. Section 943.04351, Florida Statutes, is amended
665 to read:

666 943.04351 Search of registration information regarding
667 sexual predators and sexual offenders required prior to
668 appointment or employment.—A state agency or governmental
669 subdivision, prior to making any decision to appoint or employ a
670 person to work, whether for compensation or as a volunteer, at
671 any park, playground, day care center, or other place where
672 children regularly congregate, must conduct a search of that

673 person's name or other identifying information against the
674 registration information regarding sexual predators and sexual
675 offenders maintained by the Department of Law Enforcement under
676 s. 943.043. The agency or governmental subdivision may conduct
677 the search using the Internet site maintained by the Department
678 of Law Enforcement. Also, a national search must be conducted
679 through the Dru Sjodin National Sex Offender Public Website
680 maintained by the United States Department of Justice. This
681 section does not apply to those positions or appointments within
682 a state agency or governmental subdivision for which a state and
683 national criminal history background check is conducted.

684 Section 4. Section 943.04354, Florida Statutes, is amended
685 to read:

686 943.04354 Removal of the requirement to register as a
687 sexual offender or sexual predator in special circumstances.—

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

691 (a) Was or will be convicted or adjudicated delinquent of
692 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
693 847.0135(5) or the person committed a violation of s. 794.011,
694 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
695 of guilt was or will be withheld, and the person does not have
696 any other conviction, adjudication of delinquency, or withhold
697 of adjudication of guilt for a violation of s. 794.011, s.
698 800.04, s. 827.071, or s. 847.0135(5);

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

701 (c) Is not more than 4 years older than the victim of this
702 violation who was 13 ~~14~~ years of age or older but not more than
703 18 ~~17~~ years of age at the time the person committed this
704 violation.

705 (2) If a person meets the criteria in subsection (1) ~~and~~
706 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
707 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person
708 may move the court that will sentence or dispose of this
709 violation to remove the requirement that the person register as
710 a sexual offender or sexual predator. The person must allege in
711 the motion that he or she meets the criteria in subsection (1)
712 and that removal of the registration requirement will not
713 conflict with federal law. The state attorney must be given
714 notice of the motion at least 21 days before the date of
715 sentencing or disposition of this violation and may present
716 evidence in opposition to the requested relief or may otherwise
717 demonstrate why the motion should be denied. At sentencing or
718 disposition of this violation, the court shall rule on this
719 motion and, if the court determines the person meets the
720 criteria in subsection (1) and the removal of the registration
721 requirement will not conflict with federal law, it may grant the
722 motion and order the removal of the registration requirement. If
723 the court denies the motion, the person is not authorized under
724 this section to petition for removal of the registration
725 requirement.

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

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

730 1.2. Is subject to registration as a sexual offender or
731 sexual predator for a violation of s. 794.011, s. 800.04, or s.
732 827.071; and

733 2.3. Meets the criteria in subsection (1).

734 (b) A person may petition the court in which the sentence
735 or disposition for the violation of s. 794.011, s. 800.04, or s.
736 827.071 occurred for removal of the requirement to register as a
737 sexual offender or sexual predator. The person must allege in
738 the petition that he or she meets the criteria in subsection (1)
739 and removal of the registration requirement will not conflict
740 with federal law. The state attorney must be given notice of the
741 petition at least 21 days before the hearing on the petition and
742 may present evidence in opposition to the requested relief or
743 may otherwise demonstrate why the petition should be denied. The
744 court shall rule on the petition and, if the court determines
745 the person meets the criteria in subsection (1) and removal of
746 the registration requirement will not conflict with federal law,
747 it may grant the petition and order the removal of the
748 registration requirement. If the court denies the petition, the
749 person is not authorized under this section to file any further
750 petition for removal of the registration requirement.

751 (4) If a person provides to the Department of Law
752 Enforcement a certified copy of the court's order removing the
753 requirement that the person register as a sexual offender or
754 sexual predator for the violation of s. 794.011, s. 800.04, s.

827.071, or s. 847.0135(5), the registration requirement will not apply to the person and the department shall remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the department. However, the removal of this information from the public registry does not mean that the public is denied access to information about the person's criminal history or record that is otherwise available as a public record.

Section 5. Subsection (2) and paragraph (a) of subsection (3) of section 943.0437, Florida Statutes, are amended to read:

943.0437 Commercial social networking websites.—

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

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

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

Section 6. Paragraphs (b) and (d) of subsection (1) and

783 paragraph (a) of subsection (3) of section 944.606, Florida
784 Statutes, are amended to read:

785 944.606 Sexual offenders; notification upon release.—

786 (1) As used in this section:

787 (b) "Sexual offender" means a person who has been
788 convicted of committing, or attempting, soliciting, or
789 conspiring to commit, any of the criminal offenses proscribed in
790 the following statutes in this state or similar offenses in
791 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
792 where the victim is a minor and the defendant is not the
793 victim's parent or guardian; s. 794.011, excluding s.
794 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
795 825.1025; s. 826.04 where the victim is a minor and the
796 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
797 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
798 s. 847.0145; or s. 985.701(1); or any similar offense committed
799 in this state which has been redesignated from a former statute
800 number to one of those listed in this subsection, when the
801 department has received verified information regarding such
802 conviction; an offender's computerized criminal history record
803 is not, in and of itself, verified information.

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

808 (3)(a) The department must provide information regarding
809 any sexual offender who is being released after serving a period
810 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 facility from which the sexual offender is released; the sexual offender's social security number, race, sex, date of birth, height, weight, and hair and eye color; address of any planned permanent residence or 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 known future temporary residence within the state or out of state; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; 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); all ~~and~~ home telephone numbers ~~number~~ and ~~any~~ cellular telephone numbers; and 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 ~~number~~. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and provide this photograph to the Department of Corrections and also place it in the sexual

839 offender's file. If the sexual offender is in the custody of a
840 local jail, the custodian of the local jail shall register the
841 offender within 3 business days after intake of the offender for
842 any reason and upon release, and shall notify the Department of
843 Law Enforcement of the sexual offender's release and provide to
844 the Department of Law Enforcement the information specified in
845 this paragraph and any information specified in subparagraph 2.
846 that the Department of Law Enforcement requests.

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

850 Section 7. Paragraphs (a) and (f) of subsection (1),
851 paragraph (a) of subsection (4), paragraph (b) of subsection
852 (6), and paragraph (c) of subsection (13) of section 944.607,
853 Florida Statutes, are amended to read:

854 944.607 Notification to Department of Law Enforcement of
855 information on sexual offenders.—

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

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

860 1. On or after October 1, 1997, as a result of a
861 conviction for committing, or attempting, soliciting, or
862 conspiring to commit, any of the criminal offenses proscribed in
863 the following statutes in this state or similar offenses in
864 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
865 where the victim is a minor and the defendant is not the
866 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 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;

895 date of birth; social security number; race; sex; height;
896 weight; hair and eye color; tattoos or other identifying marks;
897 all any electronic mail addresses ~~address~~ and all Internet
898 identifiers ~~any instant message name~~ required to be provided
899 pursuant to s. 943.0435(4)(d); permanent or legal residence and
900 address of temporary residence within the state or out of state
901 while the sexual offender is under supervision in this state,
902 including any rural route address or post office box; if no
903 permanent or temporary address, any transient residence within
904 the state; and address, location or description, and dates of
905 any current or known future temporary residence within the state
906 or out of state. The sexual offender must also produce or
907 provide information about his or her passport, if he or she has
908 a passport, and, if he or she is an alien, must produce or
909 provide information about documents establishing his or her
910 immigration status. The Department of Corrections shall verify
911 the address of each sexual offender in the manner described in
912 ss. 775.21 and 943.0435. The department shall report to the
913 Department of Law Enforcement any failure by a sexual predator
914 or sexual offender to comply with registration requirements.

915 (6) The information provided to the Department of Law
916 Enforcement must include:

917 (b) The sexual offender's most current address, place of
918 permanent, temporary, or transient residence within the state or
919 out of state, and address, location or description, and dates of
920 any current or known future temporary residence within the state
921 or out of state, while the sexual offender is under supervision
922 in this state, including the name of the county or municipality

923 in which the offender permanently or temporarily resides, or has
924 a transient residence, and address, location or description, and
925 dates of any current or known future temporary residence within
926 the state or out of state, and, if known, the intended place of
927 permanent, temporary, or transient residence, and address,
928 location or description, and dates of any current or known
929 future temporary residence within the state or out of state upon
930 satisfaction of all sanctions. The sexual offender must also
931 produce or provide information about his or her passport, if he
932 or she has a passport, and, if he or she is an alien, must
933 produce or provide information about documents establishing his
934 or her immigration status;

935
936 If any information provided by the department changes during the
937 time the sexual offender is under the department's control,
938 custody, or supervision, including any change in the offender's
939 name by reason of marriage or other legal process, the
940 department shall, in a timely manner, update the information and
941 provide it to the Department of Law Enforcement in the manner
942 prescribed in subsection (2).

943 (13)

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

949 1. Name; social security number; age; race; sex; date of
950 birth; height; weight; hair and eye color; address of any

951 permanent residence and address of any current temporary
952 residence, within the state or out of state, including a rural
953 route address and a post office box; if no permanent or
954 temporary address, any transient residence; address, location or
955 description, and dates of any current or known future temporary
956 residence within the state or out of state; all ~~any~~ electronic
957 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~
958 ~~message name~~ required to be provided pursuant to s.

959 943.0435(4)(d); date and place of any employment; vehicle make,
960 model, color, and license tag number; fingerprints; and
961 photograph. A post office box shall not be provided in lieu of a
962 physical residential address. The sexual offender must also
963 produce or provide information about his or her passport, if he
964 or she has a passport, and, if he or she is an alien, must
965 produce or provide information about documents establishing his
966 or her immigration status.

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

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

979 home. If the sexual offender's place of residence is a vessel,
980 live-aboard vessel, or houseboat, as defined in chapter 327, the
981 sexual offender shall also provide the hull identification
982 number; the manufacturer's serial number; the name of the
983 vessel, live-aboard vessel, or houseboat; the registration
984 number; and a description, including color scheme, of the
985 vessel, live-aboard vessel or houseboat.

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

993 Section 8. Subsection (11) of section 947.005, Florida
994 Statutes, is amended to read:

995 947.005 Definitions.—As used in this chapter, unless the
996 context clearly indicates otherwise:

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

1000 Section 9. Section 948.31, Florida Statutes, is amended to
1001 read:

1002 948.31 Evaluation and treatment of sexual predators and
1003 offenders on probation or community control.—Conditions imposed
1004 pursuant to this section do not require oral pronouncement at
1005 the time of sentencing and shall be considered standard
1006 conditions of probation or community control for offenders

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1007 specified in this section. The court shall require an evaluation
1008 by a qualified practitioner to determine the need of a
1009 probationer or community controllee for treatment. If the court
1010 determines that a need therefor is established by the evaluation
1011 process, the court shall require sexual offender treatment as a
1012 term or condition of probation or community control for any
1013 person who is required to register as a sexual predator under s.
1014 775.21 or sexual offender under s. 943.0435, s. 944.606, or s.
1015 944.607. Such treatment shall be required to be obtained from a
1016 qualified practitioner as defined in s. 948.001. Treatment may
1017 not be administered by a qualified practitioner who has been
1018 convicted or adjudicated delinquent of committing, or
1019 attempting, soliciting, or conspiring to commit, any offense
1020 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
1021 ~~impose a restriction against contact with minors if sexual~~
1022 ~~offender treatment is recommended.~~ The evaluation and
1023 recommendations for treatment of the probationer or community
1024 controllee shall be provided to the court for review.

1025 Section 10. Paragraph (a) of subsection (3) of section
1026 985.481, Florida Statutes, is amended to read:

1027 985.481 Sexual offenders adjudicated delinquent;
1028 notification upon release.—

1029 (3)(a) The department must provide information regarding
1030 any sexual offender who is being released after serving a period
1031 of residential commitment under the department for any offense,
1032 as follows:

1033 1. The department must provide the sexual offender's name,
1034 any change in the offender's name by reason of marriage or other

1035 legal process, and any alias, if known; the correctional
1036 facility from which the sexual offender is released; the sexual
1037 offender's social security number, race, sex, date of birth,
1038 height, weight, and hair and eye color; address of any planned
1039 permanent residence or temporary residence, within the state or
1040 out of state, including a rural route address and a post office
1041 box; if no permanent or temporary address, any transient
1042 residence within the state; address, location or description,
1043 and dates of any known future temporary residence within the
1044 state or out of state; date and county of disposition and each
1045 crime for which there was a disposition; a copy of the
1046 offender's fingerprints and a digitized photograph taken within
1047 60 days before release; the date of release of the sexual
1048 offender; all ~~and~~ home telephone numbers ~~number~~ and ~~any~~ cellular
1049 telephone numbers; and passport information, if he or she has a
1050 passport, and, if he or she is an alien, information about
1051 documents establishing his or her immigration status ~~number~~. The
1052 department shall notify the Department of Law Enforcement if the
1053 sexual offender escapes, absconds, or dies. If the sexual
1054 offender is in the custody of a private correctional facility,
1055 the facility shall take the digitized photograph of the sexual
1056 offender within 60 days before the sexual offender's release and
1057 also place it in the sexual offender's file. If the sexual
1058 offender is in the custody of a local jail, the custodian of the
1059 local jail shall register the offender within 3 business days
1060 after intake of the offender for any reason and upon release,
1061 and shall notify the Department of Law Enforcement of the sexual
1062 offender's release and provide to the Department of Law

1063 Enforcement the information specified in this subparagraph and
1064 any information specified in subparagraph 2. which the
1065 Department of Law Enforcement requests.

1066 2. The department may provide any other information
1067 considered necessary, including criminal and delinquency
1068 records, when available.

1069 Section 11. Paragraph (a) of subsection (4), paragraph (a)
1070 of subsection (6), and paragraph (b) of subsection (13) of
1071 section 985.4815, Florida Statutes, are amended to read:

1072 985.4815 Notification to Department of Law Enforcement of
1073 information on juvenile sexual offenders.—

1074 (4) A sexual offender, as described in this section, who
1075 is under the supervision of the department but who is not
1076 committed must register with the department within 3 business
1077 days after adjudication and disposition for a registrable
1078 offense and otherwise provide information as required by this
1079 subsection.

1080 (a) The sexual offender shall provide his or her name;
1081 date of birth; social security number; race; sex; height;
1082 weight; hair and eye color; tattoos or other identifying marks;
1083 permanent or legal residence and address of temporary residence
1084 within the state or out of state while the sexual offender is in
1085 the care or custody or under the jurisdiction or supervision of
1086 the department in this state, including any rural route address
1087 or post office box; if no permanent or temporary address, any
1088 transient residence; address, location or description, and dates
1089 of any current or known future temporary residence within the
1090 state or out of state; passport information, if he or she has a

1091 passport, and, if he or she is an alien, information about
1092 documents establishing his or her immigration status; and the
1093 name and address of each school attended. The department shall
1094 verify the address of each sexual offender and shall report to
1095 the Department of Law Enforcement any failure by a sexual
1096 offender to comply with registration requirements.

1097 (6)(a) The information provided to the Department of Law
1098 Enforcement must include the following:

1099 1. The information obtained from the sexual offender under
1100 subsection (4).

1101 2. The sexual offender's most current address and place of
1102 permanent, temporary, or transient residence within the state or
1103 out of state, and address, location or description, and dates of
1104 any current or known future temporary residence within the state
1105 or out of state, while the sexual offender is in the care or
1106 custody or under the jurisdiction or supervision of the
1107 department in this state, including the name of the county or
1108 municipality in which the offender permanently or temporarily
1109 resides, or has a transient residence, and address, location or
1110 description, and dates of any current or known future temporary
1111 residence within the state or out of state; and, if known, the
1112 intended place of permanent, temporary, or transient residence,
1113 and address, location or description, and dates of any current
1114 or known future temporary residence within the state or out of
1115 state upon satisfaction of all sanctions. The sexual offender
1116 must also produce or provide information about his or her
1117 passport, if he or she has a passport, and, if he or she is an

1118 alien, must produce or provide information about documents
1119 establishing his or her immigration status.

1120 3. The legal status of the sexual offender and the
1121 scheduled termination date of that legal status.

1122 4. The location of, and local telephone number for, any
1123 department office that is responsible for supervising the sexual
1124 offender.

1125 5. An indication of whether the victim of the offense that
1126 resulted in the offender's status as a sexual offender was a
1127 minor.

1128 6. The offense or offenses at adjudication and disposition
1129 that resulted in the determination of the offender's status as a
1130 sex offender.

1131 7. A digitized photograph of the sexual offender, which
1132 must have been taken within 60 days before the offender was
1133 released from the custody of the department or a private
1134 correctional facility by expiration of sentence under s.
1135 944.275, or within 60 days after the onset of the department's
1136 supervision of any sexual offender who is on probation,
1137 postcommitment probation, residential commitment, nonresidential
1138 commitment, licensed child-caring commitment, community control,
1139 conditional release, parole, provisional release, or control
1140 release or who is supervised by the department under the
1141 Interstate Compact Agreement for Probationers and Parolees. If
1142 the sexual offender is in the custody of a private correctional
1143 facility, the facility shall take a digitized photograph of the
1144 sexual offender within the time period provided in this
1145 subparagraph and shall provide the photograph to the department.

1146 (13)

1147 (b) The sheriff's office may determine the appropriate
1148 times and days for reporting by the sexual offender, which shall
1149 be consistent with the reporting requirements of this
1150 subsection. Reregistration shall include any changes to the
1151 following information:

1152 1. Name; social security number; age; race; sex; date of
1153 birth; height; weight; hair and eye color; address of any
1154 permanent residence and address of any current temporary
1155 residence, within the state or out of state, including a rural
1156 route address and a post office box; if no permanent or
1157 temporary address, any transient residence; address, location or
1158 description, and dates of any current or known future temporary
1159 residence within the state or out of state; passport
1160 information, if he or she has a passport, and, if he or she is
1161 an alien, information about documents establishing his or her
1162 immigration status; name and address of each school attended;
1163 date and place of any employment; vehicle make, model, color,
1164 and license tag number; fingerprints; and photograph. A post
1165 office box shall not be provided in lieu of a physical
1166 residential address.

1167 2. If the sexual offender is enrolled, employed, or
1168 carrying on a vocation at an institution of higher education in
1169 this state, the sexual offender shall also provide to the
1170 department the name, address, and county of each institution,
1171 including each campus attended, and the sexual offender's
1172 enrollment or employment status.

1173 3. If the sexual offender's place of residence is a motor
1174 vehicle, trailer, mobile home, or manufactured home, as defined
1175 in chapter 320, the sexual offender shall also provide the
1176 vehicle identification number; the license tag number; the
1177 registration number; and a description, including color scheme,
1178 of the motor vehicle, trailer, mobile home, or manufactured
1179 home. If the sexual offender's place of residence is a vessel,
1180 live-aboard vessel, or houseboat, as defined in chapter 327, the
1181 sexual offender shall also provide the hull identification
1182 number; the manufacturer's serial number; the name of the
1183 vessel, live-aboard vessel, or houseboat; the registration
1184 number; and a description, including color scheme, of the
1185 vessel, live-aboard vessel, or houseboat.

1186 4. Any sexual offender who fails to report in person as
1187 required at the sheriff's office, or who fails to respond to any
1188 address verification correspondence from the department within 3
1189 weeks after the date of the correspondence, commits a felony of
1190 the third degree, punishable as provided in ss. 775.082,
1191 775.083, and 775.084.

1192 Section 12. Sections 13-25 of this act may be cited as the
1193 "Florida Safe Harbor Act."

1194 Section 13. Effective January 1, 2012, subsections (4)
1195 through (12) of section 39.001, Florida Statutes, are renumbered
1196 as subsections (5) through (13), respectively, paragraph (c) of
1197 present subsection (7) and paragraph (b) of present subsection
1198 (9) are amended, and a new subsection (4) is added to that
1199 section, to read:

1200 39.001 Purposes and intent; personnel standards and

1201 screening.—

1202 (4) SEXUAL EXPLOITATION SERVICES.—

1203 (a) The Legislature recognizes that child sexual
1204 exploitation is a serious problem nationwide and in this state.
1205 The children at greatest risk of being sexually exploited are
1206 runaways and throwaways. Many of these children have a history
1207 of abuse and neglect. The vulnerability of these children starts
1208 with isolation from family and friends. Traffickers maintain
1209 control of child victims through psychological manipulation,
1210 force, drug addiction, or the exploitation of economic,
1211 physical, or emotional vulnerability. Children exploited through
1212 the sex trade often find it difficult to trust adults because of
1213 their abusive experiences. These children make up a population
1214 that is difficult to serve and even more difficult to
1215 rehabilitate. Although minors are by law unable to consent to
1216 sexual activity, they are most often treated as perpetrators of
1217 crime rather than victims. Moreover, the historical treatment of
1218 such children as delinquents has too often resulted in the
1219 failure to successfully prosecute the trafficker, who is the
1220 true wrongdoer and threat to society.

1221 (b) The Legislature establishes the following goals for
1222 the state related to the status and treatment of sexually
1223 exploited children in the dependency process:

- 1224 1. To ensure the safety of children.
1225 2. To provide for the treatment of such children as
1226 dependent children rather than as delinquents.

1227 3. To sever the bond between exploited children and
1228 traffickers and to reunite these children with their families or
1229 provide them with appropriate guardians.

1230 4. To enable such children to be willing and reliable
1231 witnesses in the prosecution of traffickers.

1232 (c) The Legislature finds that sexually exploited children
1233 need special care and services in the dependency process,
1234 including counseling, health care, substance abuse treatment,
1235 educational opportunities, and a safe environment secure from
1236 traffickers.

1237 (d) The Legislature further finds that sexually exploited
1238 children need the special care and services described in
1239 paragraph (c) independent of their citizenship, residency,
1240 alien, or immigrant status. It is the intent of the Legislature
1241 that this state provide such care and services to all sexually
1242 exploited children in this state who are not otherwise receiving
1243 comparable services, such as those under the federal Trafficking
1244 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

1245 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.—

1246 (c) The office is authorized and directed to:

1247 1. Oversee the preparation and implementation of the state
1248 plan established under subsection (9) ~~(8)~~ and revise and update
1249 the state plan as necessary.

1250 2. Provide for or make available continuing professional
1251 education and training in the prevention of child abuse and
1252 neglect.

1253 3. Work to secure funding in the form of appropriations,
1254 gifts, and grants from the state, the Federal Government, and

1255 other public and private sources in order to ensure that
1256 sufficient funds are available for the promotion of adoption,
1257 support of adoptive families, and child abuse prevention
1258 efforts.

1259 4. Make recommendations pertaining to agreements or
1260 contracts for the establishment and development of:

1261 a. Programs and services for the promotion of adoption,
1262 support of adoptive families, and prevention of child abuse and
1263 neglect.

1264 b. Training programs for the prevention of child abuse and
1265 neglect.

1266 c. Multidisciplinary and discipline-specific training
1267 programs for professionals with responsibilities affecting
1268 children, young adults, and families.

1269 d. Efforts to promote adoption.

1270 e. Postadoptive services to support adoptive families.

1271 5. Monitor, evaluate, and review the development and
1272 quality of local and statewide services and programs for the
1273 promotion of adoption, support of adoptive families, and
1274 prevention of child abuse and neglect and shall publish and
1275 distribute an annual report of its findings on or before January
1276 1 of each year to the Governor, the Speaker of the House of
1277 Representatives, the President of the Senate, the head of each
1278 state agency affected by the report, and the appropriate
1279 substantive committees of the Legislature. The report shall
1280 include:

1281 a. A summary of the activities of the office.

1282 b. A summary of the adoption data collected and reported

1283 to the federal Adoption and Foster Care Analysis and Reporting
1284 System (AFCARS) and the federal Administration for Children and
1285 Families.

1286 c. A summary of the child abuse prevention data collected
1287 and reported to the National Child Abuse and Neglect Data System
1288 (NCANDS) and the federal Administration for Children and
1289 Families.

1290 d. A summary detailing the timeliness of the adoption
1291 process for children adopted from within the child welfare
1292 system.

1293 e. Recommendations, by state agency, for the further
1294 development and improvement of services and programs for the
1295 promotion of adoption, support of adoptive families, and
1296 prevention of child abuse and neglect.

1297 f. Budget requests, adoption promotion and support needs,
1298 and child abuse prevention program needs by state agency.

1299 6. Work with the direct-support organization established
1300 under s. 39.0011 to receive financial assistance.

1301 (10)~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

1302 (b) The office and the other agencies and organizations
1303 listed in paragraph (9)~~(8)~~(a) shall readdress the state plan and
1304 make necessary revisions every 5 years, at a minimum. Such
1305 revisions shall be submitted to the Speaker of the House of
1306 Representatives and the President of the Senate no later than
1307 June 30 of each year divisible by 5. At least biennially, the
1308 office shall review the state plan and make any necessary
1309 revisions based on changing needs and program evaluation
1310 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 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 14. 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 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~~

1367 2. Engage in a sexual performance, as defined by chapter
1368 827; or

1369 3. Participate in the trade of sex trafficking as provided
1370 in s. 796.035.

1371 Section 15. Effective January 1, 2012, paragraph (b) of
1372 subsection (2) and paragraph (b) of subsection (3) of section
1373 39.401, Florida Statutes, are amended to read:

1374 39.401 Taking a child alleged to be dependent into
1375 custody; law enforcement officers and authorized agents of the
1376 department.—

1377 (2) If the law enforcement officer takes the child into
1378 custody, that officer shall:

1379 (b) Deliver the child to an authorized agent of the
1380 department, stating the facts by reason of which the child was
1381 taken into custody and sufficient information to establish
1382 probable cause that the child is abandoned, abused, or
1383 neglected, or otherwise dependent. In the case of a child for
1384 whom there is probable cause to believe he or she has been
1385 sexually exploited, the law enforcement officer shall deliver
1386 the child to the appropriate short-term safe house as provided
1387 for in s. 409.1678 if a short-term safe house is available.

1388
1389 For cases involving allegations of abandonment, abuse, or
1390 neglect, or other dependency cases, within 3 days after such
1391 release or within 3 days after delivering the child to an
1392 authorized agent of the department, the law enforcement officer
1393 who took the child into custody shall make a full written report
1394 to the department.

1395 (3) If the child is taken into custody by, or is delivered
1396 to, an authorized agent of the department, the agent shall
1397 review the facts supporting the removal with an attorney
1398 representing the department. The purpose of the review is to
1399 determine whether there is probable cause for the filing of a
1400 shelter petition.

1401 (b) If the facts are sufficient and the child has not been
1402 returned to the custody of the parent or legal custodian, the
1403 department shall file the petition and schedule a hearing, and
1404 the attorney representing the department shall request that a
1405 shelter hearing be held within 24 hours after the removal of the
1406 child. While awaiting the shelter hearing, the authorized agent
1407 of the department may place the child in licensed shelter care,
1408 or in a short-term safe house if the child is a sexually
1409 exploited child, or may release the child to a parent or legal
1410 custodian or responsible adult relative or the adoptive parent
1411 of the child's sibling who shall be given priority consideration
1412 over a licensed placement, or a responsible adult approved by
1413 the department if this is in the best interests of the child.
1414 Placement of a child which is not in a licensed shelter must be
1415 preceded by a criminal history records check as required under
1416 s. 39.0138. In addition, the department may authorize placement
1417 of a housekeeper/homemaker in the home of a child alleged to be
1418 dependent until the parent or legal custodian assumes care of
1419 the child.

1420 Section 16. Effective January 1, 2012, subsection (2) and
1421 paragraphs (a), (d), and (h) of subsection (8) of section
1422 39.402, Florida Statutes, are amended to read:

1423 39.402 Placement in a shelter.—

1424 (2) A child taken into custody may be placed or continued
1425 in a shelter only if one or more of the criteria in subsection
1426 (1) apply ~~applies~~ and the court has made a specific finding of
1427 fact regarding the necessity for removal of the child from the
1428 home and has made a determination that the provision of
1429 appropriate and available services will not eliminate the need
1430 for placement. In the case of a child who is alleged to have
1431 been sexually exploited, there is a rebuttable presumption that
1432 placement in a short-term safe house is necessary.

1433 (8) (a) A child may not be held in a shelter longer than 24
1434 hours unless an order so directing is entered by the court after
1435 a shelter hearing. In the interval until the shelter hearing is
1436 held, the decision to place the child in a shelter or release
1437 the child from a shelter lies with the protective investigator.
1438 In the case of a child who is alleged to have been sexually
1439 exploited, there is a rebuttable presumption that placement in a
1440 short-term safe house is necessary.

1441 (d) At the shelter hearing, in order to continue the child
1442 in shelter care:

1443 1. The department must establish probable cause that
1444 reasonable grounds for removal exist and that the provision of
1445 appropriate and available services will not eliminate the need
1446 for placement;

1447 2. The department must establish probable cause for the
1448 belief that the child has been sexually exploited and,
1449 therefore, that placement in a short-term safe house is the most
1450 appropriate environment for the child; or

1451 ~~3.2.~~ The court must determine that additional time is
1452 necessary, which may not exceed 72 hours, in which to obtain and
1453 review documents pertaining to the family in order to
1454 appropriately determine the risk to the child during which time
1455 the child shall remain in the department's custody, if so
1456 ordered by the court.

1457 (h) The order for placement of a child in shelter care
1458 must identify the parties present at the hearing and must
1459 contain written findings:

1460 1. That placement in shelter care is necessary based on
1461 the criteria in subsections (1) and (2).

1462 2. That placement in shelter care is in the best interest
1463 of the child.

1464 3. That continuation of the child in the home is contrary
1465 to the welfare of the child because the home situation presents
1466 a substantial and immediate danger to the child's physical,
1467 mental, or emotional health or safety which cannot be mitigated
1468 by the provision of preventive services.

1469 4. That based upon the allegations of the petition for
1470 placement in shelter care, there is probable cause to believe
1471 that the child is dependent or that the court needs additional
1472 time, which may not exceed 72 hours, in which to obtain and
1473 review documents pertaining to the family in order to
1474 appropriately determine the risk to the child.

1475 5. That the department has made reasonable efforts to
1476 prevent or eliminate the need for removal of the child from the
1477 home. A finding of reasonable effort by the department to
1478 prevent or eliminate the need for removal may be made and the

1479 department is deemed to have made reasonable efforts to prevent
1480 or eliminate the need for removal if:

1481 a. The first contact of the department with the family
1482 occurs during an emergency;

1483 b. The appraisal of the home situation by the department
1484 indicates that the home situation presents a substantial and
1485 immediate danger to the child's physical, mental, or emotional
1486 health or safety which cannot be mitigated by the provision of
1487 preventive services;

1488 c. The child cannot safely remain at home, either because
1489 there are no preventive services that can ensure the health and
1490 safety of the child or because, even with appropriate and
1491 available services being provided, the health and safety of the
1492 child cannot be ensured;

1493 d. The child has been sexually exploited; or

1494 e.d. The parent or legal custodian is alleged to have
1495 committed any of the acts listed as grounds for expedited
1496 termination of parental rights in s. 39.806(1)(f)-(i).

1497 6. That the court notified the parents, relatives that are
1498 providing out-of-home care for the child, or legal custodians of
1499 the time, date, and location of the next dependency hearing and
1500 of the importance of the active participation of the parents,
1501 relatives that are providing out-of-home care for the child, or
1502 legal custodians in all proceedings and hearings.

1503 7. That the court notified the parents or legal custodians
1504 of their right to counsel to represent them at the shelter
1505 hearing and at each subsequent hearing or proceeding, and the
1506 right of the parents to appointed counsel, pursuant to the

procedures set forth in s. 39.013.

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

Section 17. Effective January 1, 2012, paragraph (f) of subsection (1) and paragraph (d) of subsection (3) of section 39.521, Florida Statutes, are amended to read:

39.521 Disposition hearings; powers of disposition.—

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

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child is removed before the disposition hearing, the order must also include a written determination as to whether, after removal, 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)-(1)

1535 have occurred. The department has the burden of demonstrating
1536 that it made reasonable efforts.

1537 1. For the purposes of this paragraph, the term
1538 "reasonable effort" means the exercise of reasonable diligence
1539 and care by the department to provide the services ordered by
1540 the court or delineated in the case plan.

1541 2. In support of its determination as to whether
1542 reasonable efforts have been made, the court shall:

1543 a. Enter written findings as to whether prevention or
1544 reunification efforts were indicated.

1545 b. If prevention or reunification efforts were indicated,
1546 include a brief written description of what appropriate and
1547 available prevention and reunification efforts were made.

1548 c. Indicate in writing why further efforts could or could
1549 not have prevented or shortened the separation of the parent and
1550 child.

1551 3. A court may find that the department made a reasonable
1552 effort to prevent or eliminate the need for removal if:

1553 a. The first contact of the department with the family
1554 occurs during an emergency;

1555 b. The appraisal by the department of the home situation
1556 indicates a substantial and immediate danger to the child's
1557 safety or physical, mental, or emotional health which cannot be
1558 mitigated by the provision of preventive services;

1559 c. The child cannot safely remain at home, because there
1560 are no preventive services that can ensure the health and safety
1561 of the child or, even with appropriate and available services
1562 being provided, the health and safety of the child cannot be

1563 ensured. There is a rebuttable presumption that any child who
1564 has been found to be a victim of sexual exploitation as defined
1565 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or

1566 d. The parent is alleged to have committed any of the acts
1567 listed as grounds for expedited termination of parental rights
1568 under s. 39.806(1)(f)-(l).

1569 4. A reasonable effort by the department for reunification
1570 has been made if the appraisal of the home situation by the
1571 department indicates that the severity of the conditions of
1572 dependency is such that reunification efforts are inappropriate.
1573 The department has the burden of demonstrating to the court that
1574 reunification efforts were inappropriate.

1575 5. If the court finds that the prevention or reunification
1576 effort of the department would not have permitted the child to
1577 remain safely at home, the court may commit the child to the
1578 temporary legal custody of the department or take any other
1579 action authorized by this chapter.

1580 (3) When any child is adjudicated by a court to be
1581 dependent, the court shall determine the appropriate placement
1582 for the child as follows:

1583 (d) If the child cannot be safely placed in a nonlicensed
1584 placement, the court shall commit the child to the temporary
1585 legal custody of the department. Such commitment invests in the
1586 department all rights and responsibilities of a legal custodian.
1587 The department shall not return any child to the physical care
1588 and custody of the person from whom the child was removed,
1589 except for court-approved visitation periods, without the
1590 approval of the court. Any order for visitation or other contact

1591 must conform to the provisions of s. 39.0139. There is a
1592 rebuttable presumption that any child who has been found to be a
1593 victim of sexual exploitation as defined in s. 39.01(67)(g) be
1594 committed to a safe house as provided for in s. 409.1678. The
1595 term of such commitment continues until terminated by the court
1596 or until the child reaches the age of 18. After the child is
1597 committed to the temporary legal custody of the department, all
1598 further proceedings under this section are governed by this
1599 chapter.

1600
1601 Protective supervision continues until the court terminates it
1602 or until the child reaches the age of 18, whichever date is
1603 first. Protective supervision shall be terminated by the court
1604 whenever the court determines that permanency has been achieved
1605 for the child, whether with a parent, another relative, or a
1606 legal custodian, and that protective supervision is no longer
1607 needed. The termination of supervision may be with or without
1608 retaining jurisdiction, at the court's discretion, and shall in
1609 either case be considered a permanency option for the child. The
1610 order terminating supervision by the department shall set forth
1611 the powers of the custodian of the child and shall include the
1612 powers ordinarily granted to a guardian of the person of a minor
1613 unless otherwise specified. Upon the court's termination of
1614 supervision by the department, no further judicial reviews are
1615 required, so long as permanency has been established for the
1616 child.

1617 Section 18. Effective January 1, 2012, section 39.524,
1618 Florida Statutes, is created to read:

1619 39.524 Safe-harbor placement.—

1620 (1) Except as provided in s. 39.407, any dependent child 6
1621 years of age or older who has been found to be a victim of
1622 sexual exploitation as defined in s. 39.01(67)(g) must be
1623 assessed for placement in a safe house as provided in s.
1624 409.1678. The assessment shall be conducted by the department or
1625 its agent and shall incorporate and address current and
1626 historical information from any law enforcement reports;
1627 psychological testing or evaluation that has occurred; current
1628 and historical information from the guardian ad litem, if one
1629 has been assigned; current and historical information from any
1630 current therapist, teacher, or other professional who has
1631 knowledge of the child and has worked with the child; and any
1632 other information concerning the availability and suitability of
1633 safe-house placement. If such placement is determined to be
1634 appropriate as a result of this procedure, the child must be
1635 placed in a safe house, if one is available. As used in this
1636 section, the term "available" as it relates to a placement means
1637 a placement that is located within the circuit or that is
1638 otherwise reasonably accessible.

1639 (2) The results of the assessment described in subsection
1640 (1) and the actions taken as a result of the assessment must be
1641 included in the next judicial review of the child. At each
1642 subsequent judicial review, the court must be advised in writing
1643 of the status of the child's placement, with special reference
1644 regarding the stability of the placement and the permanency
1645 planning for the child.

1646 (3) Any safe house that receives children under this
1647 section shall establish special permanency teams dedicated to
1648 overcoming the special permanency challenges presented by this
1649 population of children. Each facility shall report to the
1650 department its success in achieving permanency for children
1651 placed by the department in its care at intervals that allow the
1652 current information to be provided to the court at each judicial
1653 review for the child.

1654 (4) (a) By December 1 of each year, the department shall
1655 report to the Legislature on the placement of children in safe
1656 houses during the year, including the criteria used to determine
1657 the placement of children, the number of children who were
1658 evaluated for placement, the number of children who were placed
1659 based upon the evaluation, and the number of children who were
1660 not placed.

1661 (b) The department shall maintain data specifying the
1662 number of children who were referred to a safe house for whom
1663 placement was unavailable and the counties in which such
1664 placement was unavailable. The department shall include this
1665 data in its report under this subsection so that the Legislature
1666 may consider this information in developing the General
1667 Appropriations Act.

1668 Section 19. Effective January 1, 2012, section 409.1678,
1669 Florida Statutes, is created to read:

1670 409.1678 Safe harbor for children who are victims of
1671 sexual exploitation.—

1672 (1) As used in this section, the term:

1673 (a) "Child advocate" means an employee of a short-term
1674 safe house who has been trained to work with and advocate for
1675 the needs of sexually exploited children. The advocate shall
1676 accompany the child to all court appearances, meetings with law
1677 enforcement, and the state attorney's office and shall serve as
1678 a liaison between the short-term safe house and the court.

1679 (b) "Safe house" means a living environment that has set
1680 aside gender-specific, separate, and distinct living quarters
1681 for sexually exploited children who have been adjudicated
1682 dependent or delinquent and need to reside in a secure
1683 residential facility with staff members awake 24 hours a day. A
1684 safe house shall be operated by a licensed family foster home or
1685 residential child-caring agency as defined in s. 409.175,
1686 including a runaway youth center as defined in s. 409.441. Each
1687 facility must be appropriately licensed in this state as a
1688 residential child-caring agency as defined in s. 409.175 and
1689 must be accredited by July 1, 2012. A safe house serving
1690 children who have been sexually exploited must have available
1691 staff or contract personnel with the clinical expertise,
1692 credentials, and training to provide services identified in
1693 paragraph (2) (b).

1694 (c) "Secure" means that a child is supervised 24 hours a
1695 day by staff members who are awake while on duty.

1696 (d) "Sexually exploited child" means a dependent child who
1697 has suffered sexual exploitation as defined in s. 39.01(67)(g)
1698 and is ineligible for relief and benefits under the federal
1699 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

1700 (e) "Short-term safe house" means a shelter operated by a
1701 licensed residential child-caring agency as defined in s.
1702 409.175, including a runaway youth center as defined in s.
1703 409.441, that has set aside gender-specific, separate, and
1704 distinct living quarters for sexually exploited children. In
1705 addition to shelter, the house shall provide services and care
1706 to sexually exploited children, including food, clothing,
1707 medical care, counseling, and appropriate crisis intervention
1708 services at the time they are taken into custody by law
1709 enforcement or the department.

1710 (2) (a) Notwithstanding any other provision of law,
1711 pursuant to regulations of the department, every circuit of the
1712 department shall address the child welfare service needs of
1713 sexually exploited children as a component of the circuit's
1714 master plan. This determination shall be made in consultation
1715 with local law enforcement, runaway and homeless youth program
1716 providers, local probation departments, local community-based
1717 care and social services, local guardians ad litem, public
1718 defenders, state attorney's offices, and child advocates and
1719 services providers who work directly with sexually exploited
1720 youth.

1721 (b) The lead agency, not-for-profit agency, or local
1722 government entity providing safe-house services is responsible
1723 for security, crisis intervention services, general counseling
1724 and victim-witness counseling, a comprehensive assessment,
1725 residential care, transportation, access to behavioral health
1726 services, recreational activities, food, clothing, supplies,
1727 infant care, and miscellaneous expenses associated with caring

1728 for these children; for necessary arrangement for or provision
1729 of educational services, including life skills services and
1730 planning services to successfully transition residents back to
1731 the community; and for ensuring necessary and appropriate health
1732 and dental care.

1733 (c) This section does not prohibit any provider of these
1734 services from appropriately billing Medicaid for services
1735 rendered, from contracting with a local school district for
1736 educational services, or from obtaining federal or local funding
1737 for services provided, as long as two or more funding sources do
1738 not pay for the same specific service that has been provided to
1739 a child.

1740 (d) The lead agency, not-for-profit agency, or local
1741 government entity providing safe-house services has the legal
1742 authority for children served in a safe-house program, as
1743 provided in chapter 39 or this chapter, as appropriate, to
1744 enroll the child in school, to sign for a driver's license for
1745 the child, to cosign loans and insurance for the child, to sign
1746 for medical treatment of the child, and to authorize other such
1747 activities.

1748 (e) All of the services created under this section may, to
1749 the extent possible provided by law, be available to all
1750 sexually exploited children whether they are accessed
1751 voluntarily, as a condition of probation, through a diversion
1752 program, through a proceeding under chapter 39, or through a
1753 referral from a local community-based care or social service
1754 agency.

1755 (3) The local circuit administrator may, to the extent
1756 that funds are available, in conjunction with local law
1757 enforcement officials, contract with an appropriate not-for-
1758 profit agency having experience working with sexually exploited
1759 children to train law enforcement officials who are likely to
1760 encounter sexually exploited children in the course of their law
1761 enforcement duties on the provisions of this section and how to
1762 identify and obtain appropriate services for sexually exploited
1763 children. Circuits may work cooperatively to provide such
1764 training, and such training may be provided on a regional basis.
1765 The department shall assist circuits in obtaining any available
1766 funds for the purposes of conducting law enforcement training
1767 from the Office of Juvenile Justice and Delinquency Prevention
1768 of the United States Department of Justice.

1769 Section 20. Effective January 1, 2012, paragraph (f) of
1770 subsection (2) of section 796.07, Florida Statutes, is
1771 republished, and subsection (6) of that section is amended, to
1772 read:

1773 796.07 Prohibiting prostitution and related acts,~~etc.,~~
1774 ~~evidence; penalties; definitions.-~~

1775 (2) It is unlawful:

1776 (f) To solicit, induce, entice, or procure another to
1777 commit prostitution, lewdness, or assignation.

1778 (6) A person who violates paragraph (2)(f) shall be
1779 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
1780 in any judicial disposition other than acquittal or dismissal.
1781 Of the proceeds from each penalty ~~penalties~~ assessed under this
1782 subsection, \$500 shall be paid to the circuit court

1783 administrator for the sole purpose of paying the administrative
1784 costs of treatment-based drug court programs provided under s.
1785 397.334 and \$4,500 shall be paid to the Department of Children
1786 and Family Services for the sole purpose of funding safe houses
1787 and short-term safe houses as provided in s. 409.1678.

1788 Section 21. Effective January 1, 2012, section 960.065,
1789 Florida Statutes, is amended to read:

1790 960.065 Eligibility for awards.—

1791 (1) Except as provided in subsection (2), the following
1792 persons shall be eligible for awards pursuant to this chapter:

1793 (a) A victim.

1794 (b) An intervenor.

1795 (c) A surviving spouse, parent or guardian, sibling, or
1796 child of a deceased victim or intervenor.

1797 (d) Any other person who is dependent for his or her
1798 principal support upon a deceased victim or intervenor.

1799 (2) Any claim filed by or on behalf of a person who:

1800 (a) Committed or aided in the commission of the crime upon
1801 which the claim for compensation was based;

1802 (b) Was engaged in an unlawful activity at the time of the
1803 crime upon which the claim for compensation is based;

1804 (c) Was in custody or confined, regardless of conviction,
1805 in a county or municipal detention facility, a state or federal
1806 correctional facility, or a juvenile detention or commitment
1807 facility at the time of the crime upon which the claim for
1808 compensation is based;

1809 (d) Has been adjudicated as a habitual felony offender,
1810 habitual violent offender, or violent career criminal under s.

1811 775.084; or

1812 (e) Has been adjudicated guilty of a forcible felony
1813 offense as described in s. 776.08,

1814
1815 is ineligible ~~shall not be eligible~~ for an award.

1816 (3) Any claim filed by or on behalf of a person who was in
1817 custody or confined, regardless of adjudication, in a county or
1818 municipal facility, a state or federal correctional facility, or
1819 a juvenile detention, commitment, or assessment facility at the
1820 time of the crime upon which the claim is based, who has been
1821 adjudicated as a habitual felony offender under s. 775.084, or
1822 who has been adjudicated guilty of a forcible felony offense as
1823 described in s. 776.08, renders the person ineligible ~~shall not~~
1824 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
1825 finding by the Crime Victims' Services Office of the existence
1826 of mitigating or special circumstances that would render such a
1827 disqualification unjust, an award may be approved. A decision
1828 that mitigating or special circumstances do not exist in a case
1829 subject to this section does ~~shall~~ not constitute final agency
1830 action subject to review pursuant to ss. 120.569 and 120.57.

1831 (4) Payment may not be made under this chapter if the
1832 person who committed the crime upon which the claim is based
1833 will receive any direct or indirect financial benefit from such
1834 payment, unless such benefit is minimal or inconsequential.
1835 Payment may not be denied based on the victim's familial
1836 relationship to the offender or based upon the sharing of a
1837 residence by the victim and offender, except to prevent unjust
1838 enrichment of the offender.

1839 (5) A person is not ineligible for an award pursuant to
1840 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
1841 person is a victim of sexual exploitation of a child as defined
1842 in s. 39.01(67)(g).

1843 Section 22. Effective January 1, 2012, paragraph (b) of
1844 subsection (2) of section 985.115, Florida Statutes, is amended
1845 to read:

1846 985.115 Release or delivery from custody.—

1847 (2) Unless otherwise ordered by the court under s. 985.255
1848 or s. 985.26, and unless there is a need to hold the child, a
1849 person taking a child into custody shall attempt to release the
1850 child as follows:

1851 (b) Contingent upon specific appropriation, to a shelter
1852 approved by the department or to an authorized agent or short-
1853 term safe house under s. 39.401(2)(b).

1854 Section 23. Effective January 1, 2012, paragraph (i) of
1855 subsection (1) of section 985.145, Florida Statutes, is amended
1856 to read:

1857 985.145 Responsibilities of juvenile probation officer
1858 during intake; screenings and assessments.—

1859 (1) The juvenile probation officer shall serve as the
1860 primary case manager for the purpose of managing, coordinating,
1861 and monitoring the services provided to the child. Each program
1862 administrator within the Department of Children and Family
1863 Services shall cooperate with the primary case manager in
1864 carrying out the duties and responsibilities described in this
1865 section. In addition to duties specified in other sections and
1866 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; 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 24. 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 filed unless the child has previously been adjudicated delinquent;

Section 25. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. This section shall take effect upon this act becoming a law.

Section 26. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect April 30, 2012.