

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

57 immigration status information by certain sexual offenders
58 adjudicated delinquent and certain juvenile sexual
59 offenders; providing a short title; amending s. 39.001,
60 F.S.; providing legislative intent and goals; conforming
61 cross-references; amending s. 39.01, F.S.; revising the
62 definitions of the terms "abuse," "child who is found to
63 be dependent," and "sexual abuse of a child"; amending s.
64 39.401, F.S.; requiring delivery of children alleged to be
65 dependent and sexually exploited to short-term safe
66 houses; amending s. 39.402, F.S.; providing for a
67 presumption that placement of a child alleged to have been
68 sexually exploited in a short-term safe house is
69 necessary; providing requirements for findings in a
70 shelter hearing relating to placement of an allegedly
71 sexually exploited child in a short-term safe house;
72 amending s. 39.521, F.S.; providing for a presumption that
73 placement of a child alleged to have been sexually
74 exploited in a safe house is necessary; creating s.
75 39.524, F.S.; requiring assessment of certain children for
76 placement in a safe house; providing for use of such
77 assessments; providing requirements for safe houses
78 receiving such children; requiring an annual report
79 concerning safe-house placements; creating s. 409.1678,
80 F.S.; providing definitions; requiring circuits of the
81 Department of Children and Family Services to address
82 child welfare service needs of sexually exploited children
83 as a component of their master plans; providing duties,
84 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,

421 any of the criminal offenses proscribed in the following
422 statutes or similar offense in another jurisdiction: s. 787.01,
423 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
424 the defendant is not the victim's parent or guardian; s.
425 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
426 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a
427 minor and the defendant is 18 years of age or older; s. 827.071;
428 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
429 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
430 offense committed in this state which has been redesignated from
431 a former statute number to one of those listed in this sub-
432 subparagraph; or

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

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

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

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

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

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

449 the offender at the time of the offense.

450
 451 For each violation of a qualifying offense listed in this
 452 subsection, the court shall make a written finding of the age of
 453 the victim at the time of the offense. For a violation of s.
 454 800.04(4), the court shall additionally make a written finding
 455 indicating that the offense did or did not involve sexual
 456 activity and indicating that the offense did or did not involve
 457 force or coercion. For a violation of s. 800.04(5), the court
 458 shall additionally make a written finding that the offense did
 459 or did not involve unclothed genitals or genital area and that
 460 the offense did or did not involve the use of force or coercion.

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

465 (2) A sexual offender shall:

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

467 1. In the county in which the offender establishes or
 468 maintains a permanent, temporary, or transient residence within
 469 48 hours after:

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

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

475 2. In the county where he or she was convicted within 48
 476 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

617 following information:

618 1. Name; social security number; age; race; sex; date of
619 birth; height; weight; hair and eye color; address of any
620 permanent residence and address of any current temporary
621 residence, within the state or out of state, including a rural
622 route address and a post office box; if no permanent or
623 temporary address, any transient residence within the state;
624 address, location or description, and dates of any current or
625 known future temporary residence within the state or out of
626 state; all any electronic mail addresses ~~address~~ and all
627 Internet identifiers ~~any instant message name~~ required to be
628 provided pursuant to paragraph (4) (d); all home telephone
629 numbers ~~number~~ and all any cellular telephone numbers ~~number~~;
630 date and place of any employment; vehicle make, model, color,
631 and license tag number; fingerprints; and photograph. A post
632 office box shall not be provided in lieu of a physical
633 residential address. The sexual offender must also produce or
634 provide information about his or her passport, if he or she has
635 a passport, and, if he or she is an alien, must produce or
636 provide information about documents establishing his or her
637 immigration status.

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

644 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.

755 827.071, or s. 847.0135(5), the registration requirement will
756 not apply to the person and the department shall remove all
757 information about the person from the public registry of sexual
758 offenders and sexual predators maintained by the department.
759 However, the removal of this information from the public
760 registry does not mean that the public is denied access to
761 information about the person's criminal history or record that
762 is otherwise available as a public record.

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

765 943.0437 Commercial social networking websites.—

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

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

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

782 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:

811 1. The department must provide: the sexual offender's
812 name, any change in the offender's name by reason of marriage or
813 other legal process, and any alias, if known; the correctional
814 facility from which the sexual offender is released; the sexual
815 offender's social security number, race, sex, date of birth,
816 height, weight, and hair and eye color; address of any planned
817 permanent residence or temporary residence, within the state or
818 out of state, including a rural route address and a post office
819 box; if no permanent or temporary address, any transient
820 residence within the state; address, location or description,
821 and dates of any known future temporary residence within the
822 state or out of state; date and county of sentence and each
823 crime for which the offender was sentenced; a copy of the
824 offender's fingerprints and a digitized photograph taken within
825 60 days before release; the date of release of the sexual
826 offender; all ~~any~~ electronic mail addresses ~~address~~ and all
827 Internet identifiers ~~any instant message name~~ required to be
828 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone
829 numbers ~~number~~ and ~~any~~ cellular telephone numbers; and passport
830 information, if he or she has a passport, and, if he or she is
831 an alien, information about documents establishing his or her
832 immigration status ~~number~~. The department shall notify the
833 Department of Law Enforcement if the sexual offender escapes,
834 absconds, or dies. If the sexual offender is in the custody of a
835 private correctional facility, the facility shall take the
836 digitized photograph of the sexual offender within 60 days
837 before the sexual offender's release and provide this photograph
838 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.

867 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 868 825.1025; s. 826.04 where the victim is a minor and the
 869 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
 870 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
 871 s. 847.0145; or s. 985.701(1); or any similar offense committed
 872 in this state which has been redesignated from a former statute
 873 number to one of those listed in this paragraph; or

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

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

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

894 (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

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

1311 the state plan in the years between the 5-year intervals. In
1312 order to avoid duplication of effort, these required plans may
1313 be made a part of or merged with other plans required by either
1314 the state or Federal Government, so long as the portions of the
1315 other state or Federal Government plan that constitute the state
1316 plan for the promotion of adoption, support of adoptive
1317 families, and prevention of child abuse, abandonment, and
1318 neglect are clearly identified as such and are provided to the
1319 Speaker of the House of Representatives and the President of the
1320 Senate as required above.

1321 Section 14. Effective January 1, 2012, subsections (2) and
1322 (15) and paragraph (g) of subsection (67) of section 39.01,
1323 Florida Statutes, are amended to read:

1324 39.01 Definitions.—When used in this chapter, unless the
1325 context otherwise requires:

1326 (2) "Abuse" means any willful act or threatened act that
1327 results in any physical, mental, or sexual abuse, injury, or
1328 harm that causes or is likely to cause the child's physical,
1329 mental, or emotional health to be significantly impaired. Abuse
1330 of a child includes acts or omissions. Corporal discipline of a
1331 child by a parent or legal custodian for disciplinary purposes
1332 does not in itself constitute abuse when it does not result in
1333 harm to the child.

1334 (15) "Child who is found to be dependent" means a child
1335 who, pursuant to this chapter, is found by the court:

1336 (a) To have been abandoned, abused, or neglected by the
1337 child's parent or parents or legal custodians;

1338 (b) To have been surrendered to the department, the former

1339 Department of Health and Rehabilitative Services, or a licensed
 1340 child-placing agency for purpose of adoption;

1341 (c) To have been voluntarily placed with a licensed child-
 1342 caring agency, a licensed child-placing agency, an adult
 1343 relative, the department, or the former Department of Health and
 1344 Rehabilitative Services, after which placement, under the
 1345 requirements of this chapter, a case plan has expired and the
 1346 parent or parents or legal custodians have failed to
 1347 substantially comply with the requirements of the plan;

1348 (d) To have been voluntarily placed with a licensed child-
 1349 placing agency for the purposes of subsequent adoption, and a
 1350 parent or parents have signed a consent pursuant to the Florida
 1351 Rules of Juvenile Procedure;

1352 (e) To have no parent or legal custodians capable of
 1353 providing supervision and care; ~~or~~

1354 (f) To be at substantial risk of imminent abuse,
 1355 abandonment, or neglect by the parent or parents or legal
 1356 custodians; or

1357 (g) To have been sexually exploited and to have no parent,
 1358 legal custodian, or responsible adult relative currently known
 1359 and capable of providing the necessary and appropriate
 1360 supervision and care.

1361 (67) "Sexual abuse of a child" means one or more of the
 1362 following acts:

1363 (g) The sexual exploitation of a child, which includes the
 1364 act of a child offering to engage in or engaging in
 1365 prostitution; or allowing, encouraging, or forcing a child to:

1366 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

1507 procedures set forth in s. 39.013.

1508 8. That the court notified relatives who are providing
1509 out-of-home care for a child as a result of the shelter petition
1510 being granted that they have the right to attend all subsequent
1511 hearings, to submit reports to the court, and to speak to the
1512 court regarding the child, if they so desire.

1513 Section 17. Effective January 1, 2012, paragraph (f) of
1514 subsection (1) and paragraph (d) of subsection (3) of section
1515 39.521, Florida Statutes, are amended to read:

1516 39.521 Disposition hearings; powers of disposition.—

1517 (1) A disposition hearing shall be conducted by the court,
1518 if the court finds that the facts alleged in the petition for
1519 dependency were proven in the adjudicatory hearing, or if the
1520 parents or legal custodians have consented to the finding of
1521 dependency or admitted the allegations in the petition, have
1522 failed to appear for the arraignment hearing after proper
1523 notice, or have not been located despite a diligent search
1524 having been conducted.

1525 (f) If the court places the child in an out-of-home
1526 placement, the disposition order must include a written
1527 determination that the child cannot safely remain at home with
1528 reunification or family preservation services and that removal
1529 of the child is necessary to protect the child. If the child is
1530 removed before the disposition hearing, the order must also
1531 include a written determination as to whether, after removal,
1532 the department made a reasonable effort to reunify the parent
1533 and child. Reasonable efforts to reunify are not required if the
1534 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

1867 officer shall be responsible for the following:

1868 (i) Recommendation concerning a petition.—Upon determining
1869 that the report, affidavit, or complaint complies with the
1870 standards of a probable cause affidavit and that the interests
1871 of the child and the public will be best served, the juvenile
1872 probation officer may recommend that a delinquency petition not
1873 be filed. If such a recommendation is made, the juvenile
1874 probation officer shall advise in writing the person or agency
1875 making the report, affidavit, or complaint, the victim, if any,
1876 and the law enforcement agency having investigative jurisdiction
1877 over the offense of the recommendation; the reasons therefor;
1878 and that the person or agency may submit, within 10 days after
1879 the receipt of such notice, the report, affidavit, or complaint
1880 to the state attorney for special review. In the case of a
1881 report, affidavit, or complaint alleging a violation of s.
1882 796.07(2)(f), there is a presumption that the juvenile probation
1883 officer recommend that a petition not be filed unless the child
1884 has previously been adjudicated delinquent. The state attorney,
1885 upon receiving a request for special review, shall consider the
1886 facts presented by the report, affidavit, or complaint, and by
1887 the juvenile probation officer who made the recommendation that
1888 no petition be filed, before making a final decision as to
1889 whether a petition or information should or should not be filed.

1890 Section 24. Effective January 1, 2012, paragraph (c) of
1891 subsection (1) of section 985.15, Florida Statutes, is amended
1892 to read:

1893 985.15 Filing decisions.—

1894 (1) The state attorney may in all cases take action

1895 independent of the action or lack of action of the juvenile
1896 probation officer and shall determine the action that is in the
1897 best interest of the public and the child. If the child meets
1898 the criteria requiring prosecution as an adult under s. 985.556,
1899 the state attorney shall request the court to transfer and
1900 certify the child for prosecution as an adult or shall provide
1901 written reasons to the court for not making such a request. In
1902 all other cases, the state attorney may:

1903 (c) File a petition for delinquency. In the case of a
1904 report, affidavit, or complaint alleging a violation of s.
1905 796.07(2)(f), there is a presumption that a petition not be
1906 filed unless the child has previously been adjudicated
1907 delinquent;

1908 Section 25. If any provision of this act or its
1909 application to any person or circumstance is held invalid, the
1910 invalidity does not affect other provisions or applications of
1911 this act which can be given effect without the invalid provision
1912 or application, and to this end the provisions of this act are
1913 severable. This section shall take effect upon this act becoming
1914 a law.

1915 Section 26. Except as otherwise expressly provided in this
1916 act and except for this section, which shall take effect upon
1917 this act becoming a law, this act shall take effect April 30,
1918 2012.