

1 A bill to be entitled
 2 An act relating to lewd and lascivious behavior;
 3 repealing s. 798.02, F.S., relating to a prohibition
 4 on lewd and lascivious behavior, including a
 5 prohibition on lewd and lascivious association and
 6 cohabitation together by a man and woman who are not
 7 married to each other; amending ss. 39.0139, 39.509,
 8 and 435.04, F.S.; conforming provisions to changes
 9 made by the act; providing an effective date.

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

Section 1. Section 798.02, Florida Statutes, is repealed.

Section 2. Paragraph (a) of subsection (3) of section 39.0139, Florida Statutes, is amended to read:

39.0139 Visitation or other contact; restrictions.—

(3) PRESUMPTION OF DETRIMENT.—

(a) A rebuttable presumption of detriment to a child is created when:

1. A court of competent jurisdiction has found probable cause exists that a parent or caregiver has sexually abused a child as defined in s. 39.01;

2. A parent or caregiver has been found guilty of, regardless of adjudication, or has entered a plea of guilty or nolo contendere to, charges under the following statutes or substantially similar statutes of other jurisdictions:

27 a. Section 787.04, relating to removing minors from the
 28 state or concealing minors contrary to court order;

29 b. Section 794.011, relating to sexual battery;

30 ~~e. Section 798.02, relating to lewd and lascivious~~
 31 ~~behavior;~~

32 c.d. Chapter 800, relating to lewdness and indecent
 33 exposure;

34 d.e. Section 826.04, relating to incest; or

35 e.f. Chapter 827, relating to the abuse of children; or

36 3. A court of competent jurisdiction has determined a
 37 parent or caregiver to be a sexual predator as defined in s.
 38 775.21 or a parent or caregiver has received a substantially
 39 similar designation under laws of another jurisdiction.

40 Section 3. Paragraph (a) of subsection (6) of section
 41 39.509, Florida Statutes, is amended to read:

42 39.509 Grandparents rights.—Notwithstanding any other
 43 provision of law, a maternal or paternal grandparent as well as
 44 a stepgrandparent is entitled to reasonable visitation with his
 45 or her grandchild who has been adjudicated a dependent child and
 46 taken from the physical custody of the parent unless the court
 47 finds that such visitation is not in the best interest of the
 48 child or that such visitation would interfere with the goals of
 49 the case plan. Reasonable visitation may be unsupervised and,
 50 where appropriate and feasible, may be frequent and continuing.
 51 Any order for visitation or other contact must conform to the
 52 provisions of s. 39.0139.

53 (6) In determining whether grandparental visitation is not
 54 in the child's best interest, consideration may be given to the
 55 following:

56 (a) The finding of guilt, regardless of adjudication, or
 57 entry or plea of guilty or nolo contendere to charges under the
 58 following statutes, or similar statutes of other jurisdictions:
 59 s. 787.04, relating to removing minors from the state or
 60 concealing minors contrary to court order; s. 794.011, relating
 61 to sexual battery; ~~s. 798.02, relating to lewd and lascivious~~
 62 ~~behavior~~; chapter 800, relating to lewdness and indecent
 63 exposure; s. 826.04, relating to incest; or chapter 827,
 64 relating to the abuse of children.

65 Section 4. Paragraph (v) of subsection (2) of section
 66 435.04, Florida Statutes, is amended to read:

67 435.04 Level 2 screening standards.—

68 (2) The security background investigations under this
 69 section must ensure that no persons subject to the provisions of
 70 this section have been arrested for and are awaiting final
 71 disposition of, have been found guilty of, regardless of
 72 adjudication, or entered a plea of nolo contendere or guilty to,
 73 or have been adjudicated delinquent and the record has not been
 74 sealed or expunged for, any offense prohibited under any of the
 75 following provisions of state law or similar law of another
 76 jurisdiction:

77 ~~(v) Section 798.02, relating to lewd and lascivious~~
 78 ~~behavior.~~

HB 4015

2014

79 | Section 5. This act shall take effect July 1, 2014. |