

By the Committees on Rules; and Criminal Justice; and Senator Diaz

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1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 90.5034, F.S.; defining terms; providing the
4 circumstances under which certain communications are
5 confidential; creating a human trafficking victim
6 advocate-victim privilege; specifying who may claim
7 such privilege; providing training requirements for
8 human trafficking victim advocates and trained
9 volunteers; amending s. 787.06, F.S.; revising the
10 definitions of the terms "human trafficking" and
11 "obtain"; prohibiting a person from engaging in
12 specified criminal acts relating to human trafficking
13 with an adult believed to be a child younger than 18
14 years of age; providing criminal penalties;
15 encouraging each state attorney to adopt a pro-
16 prosecution policy for acts of human trafficking;
17 amending s. 948.30, F.S.; requiring a court to impose
18 specified conditions on probationers or community
19 controllees who are placed under supervision for
20 committing a specified human trafficking offense on or
21 after a certain date; requiring a court to impose
22 specified conditions on probationers or community
23 controllees who are placed on community control or sex
24 offender probation for committing a specified human
25 trafficking offense on or after a certain date;
26 reenacting ss. 39.01305(3), 464.013(3)(c),
27 775.21(4)(a), 943.0435(1)(h), 943.0583(1)(a), and
28 944.606(1)(f), F.S., relating to appointment of an
29 attorney for a dependent child with certain special

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30 needs, renewal of license or certificate, the Florida
31 Sexual Predators Act, sexual offenders required to
32 register with the department and penalties, human
33 trafficking victim expunction, and sexual offenders
34 and notification upon release, respectively, to
35 incorporate the amendment made to s. 787.06, F.S., in
36 references thereto; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 90.5034, Florida Statutes, is created to
41 read:

42 90.5034 Human trafficking victim advocate-victim
43 privilege.-

44 (1) For purposes of this section:

45 (a) "Anti-human trafficking organization" means a
46 registered public or private agency that offers assistance to
47 victims of the offense of human trafficking, as defined in s.
48 787.06.

49 (b) "Human trafficking victim" means a person who consults
50 a human trafficking victim advocate or a trained volunteer for
51 the purpose of securing advice, counseling, or services
52 concerning a need arising from an experience of human
53 trafficking exploitation.

54 (c) "Human trafficking victim advocate" means an employee
55 of an anti-human trafficking organization whose primary purpose
56 is to provide advice, counseling, or services to human
57 trafficking victims and who complies with the training
58 requirements under subsection (5).

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59 (d) "Trained volunteer" means a person who volunteers with
60 an anti-human trafficking organization and who complies with the
61 training requirements under subsection (5).

62 (2) A communication between a human trafficking victim
63 advocate or trained volunteer and a human trafficking victim is
64 confidential if it is not intended to be disclosed to third
65 persons other than:

66 (a) Those persons present to further the interest of the
67 human trafficking victim in the consultation, examination, or
68 interview.

69 (b) Those persons necessary for the transmission of the
70 communication.

71 (c) Those persons to whom disclosure is reasonably
72 necessary to accomplish the purposes for which the human
73 trafficking victim advocate or trained volunteer is consulted.

74 (3) A human trafficking victim has a privilege to refuse to
75 disclose, and to prevent any other person from disclosing, a
76 confidential communication made by the human trafficking victim
77 to a human trafficking victim advocate or trained volunteer or a
78 record made in the course of advising, counseling, or providing
79 services to the human trafficking victim. Such confidential
80 communication or record may be disclosed only with the prior
81 written consent of the human trafficking victim. This privilege
82 includes any advice given by the human trafficking victim
83 advocate or trained volunteer to the human trafficking victim in
84 the course of that relationship.

85 (4) The privilege may be claimed by:

86 (a) The human trafficking victim or the human trafficking
87 victim's attorney on his or her behalf.

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88 (b) The guardian or conservator of the human trafficking
89 victim.

90 (c) The personal representative of a deceased human
91 trafficking victim.

92 (d) The human trafficking victim advocate or trained
93 volunteer, but only on behalf of the human trafficking victim.
94 The authority of a human trafficking victim advocate or trained
95 volunteer to claim the privilege is presumed in the absence of
96 evidence to the contrary.

97 (5) A human trafficking victim advocate or a trained
98 volunteer shall:

99 (a) Complete 24 hours of human trafficking training
100 delivered by the Office of the Attorney General, the Bureau of
101 Criminal Justice Programs and Victim Services, and the Florida
102 Crime Prevention Training Institute.

103 (b) Within 3 years after completing the training required
104 under paragraph (a), complete an 8-hour human trafficking update
105 course.

106 Section 2. Paragraphs (d) and (g) of subsection (2) and
107 paragraphs (a), (c), (e), (f), and (g) of subsection (3) of
108 section 787.06, Florida Statutes, are amended, and subsection
109 (12) is added to that section, to read:

110 787.06 Human trafficking.—

111 (2) As used in this section, the term:

112 (d) "Human trafficking" means transporting, soliciting,
113 recruiting, harboring, providing, enticing, maintaining,
114 purchasing, patronizing, procuring, or obtaining another person
115 for the purpose of exploitation of that person.

116 (g) "Obtain" means, in relation to labor, commercial sexual

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117 activity, or services, to receive, take possession of, or take
118 custody of another person or secure performance thereof.

119 (3) Any person who knowingly, or in reckless disregard of
120 the facts, engages in human trafficking, or attempts to engage
121 in human trafficking, or benefits financially by receiving
122 anything of value from participation in a venture that has
123 subjected a person to human trafficking:

124 (a)1. For labor or services of any child younger than 18
125 years of ~~under the~~ age or an adult believed by the person to be
126 a child younger than ~~of~~ 18 years of age commits a felony of the
127 first degree, punishable as provided in s. 775.082, s. 775.083,
128 or s. 775.084.

129 2. Using coercion for labor or services of an adult commits
130 a felony of the first degree, punishable as provided in s.
131 775.082, s. 775.083, or s. 775.084.

132 (c)1. For labor or services of any child younger than 18
133 years of ~~under the~~ age or an adult believed by the person to be
134 a child younger than ~~of~~ 18 years of age who is an unauthorized
135 alien commits a felony of the first degree, punishable as
136 provided in s. 775.082, s. 775.083, or s. 775.084.

137 2. Using coercion for labor or services of an adult who is
138 an unauthorized alien commits a felony of the first degree,
139 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

140 (e)1. For labor or services who does so by the transfer or
141 transport of any child younger than 18 years of ~~under the~~ age or
142 an adult believed by the person to be a child younger than ~~of~~ 18
143 years of age from outside this state to within this ~~the~~ state
144 commits a felony of the first degree, punishable as provided in
145 s. 775.082, s. 775.083, or s. 775.084.

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146 2. Using coercion for labor or services who does so by the
147 transfer or transport of an adult from outside this state to
148 within this ~~the~~ state commits a felony of the first degree,
149 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

150 (f)1. For commercial sexual activity who does so by the
151 transfer or transport of any child younger than 18 years of
152 under the age or an adult believed by the person to be a child
153 younger than 18 years of age from outside this state to
154 within this ~~the~~ state commits a felony of the first degree,
155 punishable by imprisonment for a term of years not exceeding
156 life, or as provided in s. 775.082, s. 775.083, or s. 775.084.

157 2. Using coercion for commercial sexual activity who does
158 so by the transfer or transport of an adult from outside this
159 state to within this ~~the~~ state commits a felony of the first
160 degree, punishable as provided in s. 775.082, s. 775.083, or s.
161 775.084.

162 (g) For commercial sexual activity in which any child
163 younger than 18 years of ~~under the age~~ or an adult believed by
164 the person to be a child younger than 18 years of age, or in
165 which any person who is mentally defective or mentally
166 incapacitated as those terms are defined in s. 794.011(1), is
167 involved commits a life felony, punishable as provided in s.
168 775.082(3)(a)6., s. 775.083, or s. 775.084.

169
170 For each instance of human trafficking of any individual under
171 this subsection, a separate crime is committed and a separate
172 punishment is authorized.

173 (12) The Legislature encourages each state attorney to
174 adopt a pro-prosecution policy for human trafficking offenses,

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175 as provided in this section. After consulting the victim, or
176 making a good faith attempt to consult the victim, the state
177 attorney shall determine the filing, nonfiling, or diversion of
178 criminal charges even in circumstances where there is no
179 cooperation from a victim or over the objection of the victim,
180 if necessary.

181 Section 3. Subsections (1) and (2) of section 948.30,
182 Florida Statutes, are amended to read:

183 948.30 Additional terms and conditions of probation or
184 community control for certain sex offenses.—Conditions imposed
185 pursuant to this section do not require oral pronouncement at
186 the time of sentencing and shall be considered standard
187 conditions of probation or community control for offenders
188 specified in this section.

189 (1) Effective for probationers or community controllees
190 whose crime was committed on or after October 1, 1995, and who
191 are placed under supervision for a violation of chapter 794, s.
192 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, or whose
193 crime was committed on or after July 1, 2021, and who are placed
194 under supervision for a violation of s. 787.06(3)(b), (d), (f),
195 or (g), the court must impose the following conditions in
196 addition to all other standard and special conditions imposed:

197 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
198 designate another 8-hour period if the offender's employment
199 precludes the above specified time, and the alternative is
200 recommended by the Department of Corrections. If the court
201 determines that imposing a curfew would endanger the victim, the
202 court may consider alternative sanctions.

203 (b) If the victim was under the age of 18, a prohibition on

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204 living within 1,000 feet of a school, child care facility, park,
205 playground, or other place where children regularly congregate,
206 as prescribed by the court. The 1,000-foot distance shall be
207 measured in a straight line from the offender's place of
208 residence to the nearest boundary line of the school, child care
209 facility, park, playground, or other place where children
210 congregate. The distance may not be measured by a pedestrian
211 route or automobile route. A probationer or community controllee
212 who is subject to this paragraph may not be forced to relocate
213 and does not violate his or her probation or community control
214 if he or she is living in a residence that meets the
215 requirements of this paragraph and a school, child care
216 facility, park, playground, or other place where children
217 regularly congregate is subsequently established within 1,000
218 feet of his or her residence.

219 (c) Active participation in and successful completion of a
220 sex offender treatment program with qualified practitioners
221 specifically trained to treat sex offenders, at the
222 probationer's or community controllee's own expense. If a
223 qualified practitioner is not available within a 50-mile radius
224 of the probationer's or community controllee's residence, the
225 offender shall participate in other appropriate therapy.

226 (d) A prohibition on any contact with the victim, directly
227 or indirectly, including through a third person, unless approved
228 by the victim, a qualified practitioner in the sexual offender
229 treatment program, and the sentencing court.

230 (e) If the victim was under the age of 18, a prohibition on
231 contact with a child under the age of 18 except as provided in
232 this paragraph. The court may approve supervised contact with a

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233 child under the age of 18 if the approval is based upon a
234 recommendation for contact issued by a qualified practitioner
235 who is basing the recommendation on a risk assessment. Further,
236 the sex offender must be currently enrolled in or have
237 successfully completed a sex offender therapy program. The court
238 may not grant supervised contact with a child if the contact is
239 not recommended by a qualified practitioner and may deny
240 supervised contact with a child at any time. When considering
241 whether to approve supervised contact with a child, the court
242 must review and consider the following:

243 1. A risk assessment completed by a qualified practitioner.
244 The qualified practitioner must prepare a written report that
245 must include the findings of the assessment and address each of
246 the following components:

247 a. The sex offender's current legal status;

248 b. The sex offender's history of adult charges with
249 apparent sexual motivation;

250 c. The sex offender's history of adult charges without
251 apparent sexual motivation;

252 d. The sex offender's history of juvenile charges, whenever
253 available;

254 e. The sex offender's offender treatment history, including
255 consultations with the sex offender's treating, or most recent
256 treating, therapist;

257 f. The sex offender's current mental status;

258 g. The sex offender's mental health and substance abuse
259 treatment history as provided by the Department of Corrections;

260 h. The sex offender's personal, social, educational, and
261 work history;

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262 i. The results of current psychological testing of the sex
263 offender if determined necessary by the qualified practitioner;

264 j. A description of the proposed contact, including the
265 location, frequency, duration, and supervisory arrangement;

266 k. The child's preference and relative comfort level with
267 the proposed contact, when age appropriate;

268 l. The parent's or legal guardian's preference regarding
269 the proposed contact; and

270 m. The qualified practitioner's opinion, along with the
271 basis for that opinion, as to whether the proposed contact would
272 likely pose significant risk of emotional or physical harm to
273 the child.

274
275 The written report of the assessment must be given to the court;

276 2. A recommendation made as a part of the risk assessment
277 report as to whether supervised contact with the child should be
278 approved;

279 3. A written consent signed by the child's parent or legal
280 guardian, if the parent or legal guardian is not the sex
281 offender, agreeing to the sex offender having supervised contact
282 with the child after receiving full disclosure of the sex
283 offender's present legal status, past criminal history, and the
284 results of the risk assessment. The court may not approve
285 contact with the child if the parent or legal guardian refuses
286 to give written consent for supervised contact;

287 4. A safety plan prepared by the qualified practitioner,
288 who provides treatment to the offender, in collaboration with
289 the sex offender, the child's parent or legal guardian, if the
290 parent or legal guardian is not the sex offender, and the child,

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291 when age appropriate, which details the acceptable conditions of
292 contact between the sex offender and the child. The safety plan
293 must be reviewed and approved by the court; and

294 5. Evidence that the child's parent or legal guardian
295 understands the need for and agrees to the safety plan and has
296 agreed to provide, or to designate another adult to provide,
297 constant supervision any time the child is in contact with the
298 offender.

299

300 The court may not appoint a person to conduct a risk assessment
301 and may not accept a risk assessment from a person who has not
302 demonstrated to the court that he or she has met the
303 requirements of a qualified practitioner as defined in this
304 section.

305 (f) If the victim was under age 18, a prohibition on
306 working for pay or as a volunteer at any place where children
307 regularly congregate, including, but not limited to, schools,
308 child care facilities, parks, playgrounds, pet stores,
309 libraries, zoos, theme parks, and malls.

310 (g) Unless otherwise indicated in the treatment plan
311 provided by a qualified practitioner in the sexual offender
312 treatment program, a prohibition on viewing, accessing, owning,
313 or possessing any obscene, pornographic, or sexually stimulating
314 visual or auditory material, including telephone, electronic
315 media, computer programs, or computer services that are relevant
316 to the offender's deviant behavior pattern.

317 (h) Effective for probationers and community controllees
318 whose crime is committed on or after July 1, 2005, a prohibition
319 on accessing the Internet or other computer services until a

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320 qualified practitioner in the offender's sex offender treatment
321 program, after a risk assessment is completed, approves and
322 implements a safety plan for the offender's accessing or using
323 the Internet or other computer services.

324 (i) A requirement that the probationer or community
325 controllee must submit a specimen of blood or other approved
326 biological specimen to the Department of Law Enforcement to be
327 registered with the DNA data bank.

328 (j) A requirement that the probationer or community
329 controllee make restitution to the victim, as ordered by the
330 court under s. 775.089, for all necessary medical and related
331 professional services relating to physical, psychiatric, and
332 psychological care.

333 (k) Submission to a warrantless search by the community
334 control or probation officer of the probationer's or community
335 controllee's person, residence, or vehicle.

336 (2) Effective for a probationer or community controllee
337 whose crime was committed on or after October 1, 1997, and who
338 is placed on community control or sex offender probation for a
339 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
340 or s. 847.0145, or whose crime was committed on or after July 1,
341 2021, and who is placed on community control or sex offender
342 probation for a violation of s. 787.06(3)(b), (d), (f), or (g),
343 in addition to any other provision of this section, the court
344 must impose the following conditions of probation or community
345 control:

346 (a) As part of a treatment program, participation at least
347 annually in polygraph examinations to obtain information
348 necessary for risk management and treatment and to reduce the

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349 sex offender's denial mechanisms. A polygraph examination must
350 be conducted by a polygrapher who is a member of a national or
351 state polygraph association and who is certified as a
352 postconviction sex offender polygrapher, where available, and
353 shall be paid for by the probationer or community controllee.
354 The results of the polygraph examination shall be provided to
355 the probationer's or community controllee's probation officer
356 and qualified practitioner and shall not be used as evidence in
357 court to prove that a violation of community supervision has
358 occurred.

359 (b) Maintenance of a driving log and a prohibition against
360 driving a motor vehicle alone without the prior approval of the
361 supervising officer.

362 (c) A prohibition against obtaining or using a post office
363 box without the prior approval of the supervising officer.

364 (d) If there was sexual contact, a submission to, at the
365 probationer's or community controllee's expense, an HIV test
366 with the results to be released to the victim or the victim's
367 parent or guardian.

368 (e) Electronic monitoring when deemed necessary by the
369 community control or probation officer and his or her
370 supervisor, and ordered by the court at the recommendation of
371 the Department of Corrections.

372 Section 4. For the purpose of incorporating the amendment
373 made by this act to section 787.06, Florida Statutes, in a
374 reference thereto, subsection (3) of section 39.01305, Florida
375 Statutes, is reenacted to read:

376 39.01305 Appointment of an attorney for a dependent child
377 with certain special needs.-

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378 (3) An attorney shall be appointed for a dependent child
379 who:

380 (a) Resides in a skilled nursing facility or is being
381 considered for placement in a skilled nursing home;

382 (b) Is prescribed a psychotropic medication but declines
383 assent to the psychotropic medication;

384 (c) Has a diagnosis of a developmental disability as
385 defined in s. 393.063;

386 (d) Is being placed in a residential treatment center or
387 being considered for placement in a residential treatment
388 center; or

389 (e) Is a victim of human trafficking as defined in s.
390 787.06(2) (d).

391 Section 5. For the purpose of incorporating the amendment
392 made by this act to section 787.06, Florida Statutes, in a
393 reference thereto, paragraph (c) of subsection (3) of section
394 464.013, Florida Statutes, is reenacted to read:

395 464.013 Renewal of license or certificate.—

396 (3) The board shall by rule prescribe up to 30 hours of
397 continuing education biennially as a condition for renewal of a
398 license or certificate.

399 (c) Notwithstanding the exemption in paragraph (a), as part
400 of the maximum biennial continuing education hours required
401 under this subsection, the board shall require each person
402 licensed or certified under this chapter to complete a 2-hour
403 continuing education course on human trafficking, as defined in
404 s. 787.06(2). The continuing education course must consist of
405 data and information on the types of human trafficking, such as
406 labor and sex, and the extent of human trafficking; factors that

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407 place a person at greater risk of being a victim of human
408 trafficking; public and private social services available for
409 rescue, food, clothing, and shelter referrals; hotlines for
410 reporting human trafficking which are maintained by the National
411 Human Trafficking Resource Center and the United States
412 Department of Homeland Security; validated assessment tools for
413 identifying a human trafficking victim and general indicators
414 that a person may be a victim of human trafficking; procedures
415 for sharing information related to human trafficking with a
416 patient; and referral options for legal and social services. All
417 licensees must complete this course for every biennial licensure
418 renewal on or after January 1, 2019.

419 Section 6. For the purpose of incorporating the amendment
420 made by this act to section 787.06, Florida Statutes, in a
421 reference thereto, paragraph (a) of subsection (4) of section
422 775.21, Florida Statutes, is reenacted to read:

423 775.21 The Florida Sexual Predators Act.—

424 (4) SEXUAL PREDATOR CRITERIA.—

425 (a) For a current offense committed on or after October 1,
426 1993, upon conviction, an offender shall be designated as a
427 “sexual predator” under subsection (5), and subject to
428 registration under subsection (6) and community and public
429 notification under subsection (7) if:

430 1. The felony is:

431 a. A capital, life, or first degree felony violation, or
432 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
433 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
434 violation of a similar law of another jurisdiction; or

435 b. Any felony violation, or any attempt thereof, of s.

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436 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
437 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
438 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
439 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
440 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
441 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
442 the court makes a written finding that the racketeering activity
443 involved at least one sexual offense listed in this sub-
444 subparagraph or at least one offense listed in this sub-
445 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
446 985.701(1); or a violation of a similar law of another
447 jurisdiction, and the offender has previously been convicted of
448 or found to have committed, or has pled nolo contendere or
449 guilty to, regardless of adjudication, any violation of s.
450 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
451 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
452 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
453 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
454 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
455 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
456 makes a written finding that the racketeering activity involved
457 at least one sexual offense listed in this sub-subparagraph or
458 at least one offense listed in this sub-subparagraph with sexual
459 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
460 violation of a similar law of another jurisdiction;

461 2. The offender has not received a pardon for any felony or
462 similar law of another jurisdiction that is necessary for the
463 operation of this paragraph; and

464 3. A conviction of a felony or similar law of another

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465 jurisdiction necessary to the operation of this paragraph has
466 not been set aside in any postconviction proceeding.

467 Section 7. For the purpose of incorporating the amendment
468 made by this act to section 787.06, Florida Statutes, in
469 references thereto, paragraph (h) of subsection (1) of section
470 943.0435, Florida Statutes, is reenacted to read:

471 943.0435 Sexual offenders required to register with the
472 department; penalty.—

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

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

477 a.(I) Has been convicted of committing, or attempting,
478 soliciting, or conspiring to commit, any of the criminal
479 offenses proscribed in the following statutes in this state or
480 similar offenses in another jurisdiction: s. 393.135(2); s.
481 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
482 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
483 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
484 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
485 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
486 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
487 s. 895.03, if the court makes a written finding that the
488 racketeering activity involved at least one sexual offense
489 listed in this sub-sub-subparagraph or at least one offense
490 listed in this sub-sub-subparagraph with sexual intent or
491 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
492 committed in this state which has been redesignated from a
493 former statute number to one of those listed in this sub-sub-

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494 subparagraph; and

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

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

514 c. Establishes or maintains a residence in this state who
515 is in the custody or control of, or under the supervision of,
516 any other state or jurisdiction as a result of a conviction for
517 committing, or attempting, soliciting, or conspiring to commit,
518 any of the criminal offenses proscribed in the following
519 statutes or similar offense in another jurisdiction: s.
520 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
521 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
522 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding

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523 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
524 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
525 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
526 s. 847.0145; s. 895.03, if the court makes a written finding
527 that the racketeering activity involved at least one sexual
528 offense listed in this sub-subparagraph or at least one offense
529 listed in this sub-subparagraph with sexual intent or motive; s.
530 916.1075(2); or s. 985.701(1); or any similar offense committed
531 in this state which has been redesignated from a former statute
532 number to one of those listed in this sub-subparagraph; or

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

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

540 (II) Section 800.04(4)(a)2. where the victim is under 12
541 years of age or where the court finds sexual activity by the use
542 of force or coercion;

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

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

547 (V) Any similar offense committed in this state which has
548 been redesignated from a former statute number to one of those
549 listed in this sub-subparagraph.

550 2. For all qualifying offenses listed in sub-subparagraph
551 1.d., the court shall make a written finding of the age of the

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552 offender at the time of the offense.

553
554 For each violation of a qualifying offense listed in this
555 subsection, except for a violation of s. 794.011, the court
556 shall make a written finding of the age of the victim at the
557 time of the offense. For a violation of s. 800.04(4), the court
558 shall also make a written finding indicating whether the offense
559 involved sexual activity and indicating whether the offense
560 involved force or coercion. For a violation of s. 800.04(5), the
561 court shall also make a written finding that the offense did or
562 did not involve unclothed genitals or genital area and that the
563 offense did or did not involve the use of force or coercion.

564 Section 8. For the purpose of incorporating the amendment
565 made by this act to section 787.06, Florida Statutes, in a
566 reference thereto, paragraph (a) of subsection (1) of section
567 943.0583, Florida Statutes, is reenacted to read:

568 943.0583 Human trafficking victim expunction.—

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

570 (a) "Human trafficking" has the same meaning as provided in
571 s. 787.06.

572 Section 9. For the purpose of incorporating the amendment
573 made by this act to section 787.06, Florida Statutes, in a
574 reference thereto, paragraph (f) of subsection (1) of section
575 944.606, Florida Statutes, is reenacted to read:

576 944.606 Sexual offenders; notification upon release.—

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

578 (f) "Sexual offender" means a person who has been convicted
579 of committing, or attempting, soliciting, or conspiring to
580 commit, any of the criminal offenses proscribed in the following

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581 statutes in this state or similar offenses in another
582 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
583 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
584 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
585 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
586 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
587 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
588 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
589 makes a written finding that the racketeering activity involved
590 at least one sexual offense listed in this paragraph or at least
591 one offense listed in this paragraph with sexual intent or
592 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
593 committed in this state which has been redesignated from a
594 former statute number to one of those listed in this subsection,
595 when the department has received verified information regarding
596 such conviction; an offender's computerized criminal history
597 record is not, in and of itself, verified information.

598 Section 10. This act shall take effect July 1, 2021.