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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. 92.55, F.S.; defining terms;
10 authorizing a court, upon a motion by specified
11 persons, to enter any order necessary to protect
12 certain victims or witnesses from moderate, rather
13 than from severe, emotional or mental harm; revising
14 the factors that a court is authorized, rather than
15 required, to consider in ruling upon a certain filed
16 motion; revising the options for relief that a court
17 is authorized to order to protect certain persons;
18 authorizing a court to set any other conditions it
19 finds just and appropriate when taking the testimony
20 of a human trafficking victim or witness; requiring a
21 court to consider the age of the human trafficking
22 victim or witness at the time the human trafficking
23 offense occurred when deciding whether to allow the
24 human trafficking victim or witness to testify; making
25 technical changes; amending s. 787.06, F.S.; revising
26 the definitions of the terms "human trafficking" and
27 "obtain"; prohibiting a person from engaging in
28 specified criminal acts relating to human trafficking
29 with an adult believed to be a child younger than 18

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30 years of age; providing criminal penalties;
31 encouraging each state attorney to adopt a pro-
32 prosecution policy for acts of human trafficking;
33 amending s. 943.0583, F.S.; prohibiting a clerk of the
34 court from charging certain fees for petitions for
35 expunction of human trafficking victim criminal
36 history records; providing that a petition seeking
37 expunction of more than one case is a single petition;
38 deleting a requirement that a petitioner under this
39 section have no other expunction or any sealing
40 petitions pending; amending s. 948.30, F.S.; requiring
41 a court to impose specified conditions on probationers
42 or community controllees who are placed under
43 supervision for committing a specified human
44 trafficking offense on or after a certain date;
45 requiring a court to impose specified conditions on
46 probationers or community controllees who are placed
47 on community control or sex offender probation for
48 committing a specified human trafficking offense on or
49 after a certain date; reenacting ss. 39.01305(3),
50 464.013(3)(c), 775.21(4)(a), 943.0435(1)(h),
51 943.0583(1)(a), and 944.606(1)(f), F.S., relating to
52 appointment of an attorney for a dependent child with
53 certain special needs, renewal of license or
54 certificate, the Florida Sexual Predators Act, sexual
55 offenders required to register with the department and
56 penalties, human trafficking victim expunction, and
57 sexual offenders and notification upon release,
58 respectively, to incorporate the amendment made to s.

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59 787.06, F.S., in references thereto; providing an
60 effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Section 90.5034, Florida Statutes, is created to
65 read:

66 90.5034 Human trafficking victim advocate-victim
67 privilege.-

68 (1) For purposes of this section:

69 (a) "Anti-human trafficking organization" means a
70 registered public or private agency that offers assistance to
71 victims of the offense of human trafficking, as defined in s.
72 787.06.

73 (b) "Human trafficking victim" means a person who consults
74 a human trafficking victim advocate or a trained volunteer for
75 the purpose of securing advice, counseling, or services
76 concerning a need arising from an experience of human
77 trafficking exploitation.

78 (c) "Human trafficking victim advocate" means an employee
79 of an anti-human trafficking organization whose primary purpose
80 is to provide advice, counseling, or services to human
81 trafficking victims and who complies with the training
82 requirements under subsection (5).

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

86 (2) A communication between a human trafficking victim
87 advocate or trained volunteer and a human trafficking victim is

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88 confidential if it is not intended to be disclosed to third
89 persons other than:

90 (a) Those persons present to further the interest of the
91 human trafficking victim in the consultation, examination, or
92 interview.

93 (b) Those persons necessary for the transmission of the
94 communication.

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

98 (3) A human trafficking victim has a privilege to refuse to
99 disclose, and to prevent any other person from disclosing, a
100 confidential communication made by the human trafficking victim
101 to a human trafficking victim advocate or trained volunteer or a
102 record made in the course of advising, counseling, or providing
103 services to the human trafficking victim. Such confidential
104 communication or record may be disclosed only with the prior
105 written consent of the human trafficking victim. This privilege
106 includes any advice given by the human trafficking victim
107 advocate or trained volunteer to the human trafficking victim in
108 the course of that relationship.

109 (4) The privilege may be claimed by:

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

112 (b) The guardian or conservator of the human trafficking
113 victim.

114 (c) The personal representative of a deceased human
115 trafficking victim.

116 (d) The human trafficking victim advocate or trained

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117 volunteer, but only on behalf of the human trafficking victim.
118 The authority of a human trafficking victim advocate or trained
119 volunteer to claim the privilege is presumed in the absence of
120 evidence to the contrary.

121 (5) A human trafficking victim advocate or a trained
122 volunteer shall:

123 (a) Complete 24 hours of human trafficking training
124 delivered by the Office of the Attorney General, the Bureau of
125 Criminal Justice Programs and Victim Services, and the Florida
126 Crime Prevention Training Institute.

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

130 Section 2. Section 92.55, Florida Statutes, is amended to
131 read:

132 92.55 Judicial or other proceedings involving a victim or
133 witness under the age of 18, a person who has an intellectual
134 disability, a human trafficking victim or witness, or a sexual
135 offense victim or witness; special protections; use of therapy
136 animals or facility dogs.—

137 (1) For purposes of this section, the term:

138 (a) "Human trafficking offense" means any offense specified
139 in s. 787.06.

140 (b) "Human trafficking victim or witness" means a person
141 who was under the age of 18 when he or she was the victim of or
142 a witness to a human trafficking offense.

143 (c) "Sexual offense victim or witness" means a person who
144 was under the age of 18 when he or she was the victim of or a
145 witness to a sexual offense.

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146 ~~(d) (b)~~ "Sexual offense" means any offense specified in s.
147 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

148 (2) Upon motion of any party, upon motion of a parent,
149 guardian, attorney, guardian ad litem, or other advocate
150 appointed by the court ~~under s. 914.17~~ for a victim or witness
151 under the age of 18, a person who has an intellectual
152 disability, a human trafficking victim or witness, or a sexual
153 offense victim or witness, or upon its own motion, the court may
154 enter any order necessary to protect the victim or witness in
155 any judicial proceeding or other official proceeding from
156 moderate ~~severe~~ emotional or mental harm ~~due to the presence of~~
157 ~~the defendant if the victim or witness is required to testify in~~
158 ~~open court~~. Such orders must relate to the taking of testimony
159 and include, but are not limited to:

160 (a) Interviewing or the taking of depositions as part of a
161 civil or criminal proceeding.

162 (b) Examination and cross-examination for the purpose of
163 qualifying as a witness or testifying in any proceeding.

164 (c) The use of testimony taken outside of the courtroom,
165 including proceedings under ss. 92.53 and 92.54.

166 (3) In ruling upon a the motion filed under this section,
167 the court may ~~shall~~ consider:

168 (a) The age of the victim or witness; ~~child~~;

169 (b) The nature of the offense or act; ;

170 (c) The complexity of the issues involved;

171 (d) The relationship of the victim or witness ~~child~~ to the
172 parties in the case or to the defendant in a criminal action; ;

173 (e) The degree of emotional or mental harm ~~trauma~~ that will
174 result ~~to the child~~ as a consequence of the examination,

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175 interview, or testimony;

176 (f) The age of the sexual offense victim or witness when
177 the sexual offense occurred; defendant's presence, and

178 (g) Any other fact that the court deems relevant.†

179 ~~(b) The age of the person who has an intellectual~~
180 ~~disability, the functional capacity of such person, the nature~~
181 ~~of the offenses or act, the relationship of the person to the~~
182 ~~parties in the case or to the defendant in a criminal action,~~
183 ~~the degree of emotional trauma that will result to the person as~~
184 ~~a consequence of the defendant's presence, and any other fact~~
185 ~~that the court deems relevant; or~~

186 ~~(c) The age of the sexual offense victim or witness when~~
187 ~~the sexual offense occurred, the relationship of the sexual~~
188 ~~offense victim or witness to the parties in the case or to the~~
189 ~~defendant in a criminal action, the degree of emotional trauma~~
190 ~~that will result to the sexual offense victim or witness as a~~
191 ~~consequence of the defendant's presence, and any other fact that~~
192 ~~the court deems relevant.~~

193 (4) (a) In addition to such other relief provided by law,
194 the court may enter orders it deems just and appropriate for the
195 protection of limiting the number of times that a child, a
196 person who has an intellectual disability, a human trafficking
197 victim or witness, or a sexual offense victim or witness,
198 including, but not limited to:

199 1. Limiting the number of times that a victim or witness
200 may be interviewed;†

201 2. Prohibiting depositions of the victim or witness;†

202 3. Limiting the length and scope of any deposition;

203 4. Requiring that a deposition be taken only by written

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204 questions;

205 5. Requiring that a deposition be in the presence of a
206 trial judge or magistrate;

207 6. Sealing the tape or transcript of a deposition until
208 further order of the court;

209 7. Requiring the submission of questions before the
210 examination of the victim or witness;~~7~~

211 8. Setting the place and conditions for interviewing the
212 victim or witness or for conducting any other proceeding;~~7~~ or

213 9. Authorizing ~~permitting~~ or prohibiting the attendance of
214 any person at any proceeding.

215 (b) The court shall enter any order necessary to protect
216 the rights of all parties, including the defendant in any
217 criminal action.

218 (5) The court may set any other conditions it finds just
219 and appropriate when taking the testimony of a victim or witness
220 under the age of 18, a person who has an intellectual
221 disability, a human trafficking victim or witness, or a sexual
222 offense victim or witness, including the use of a therapy animal
223 or facility dog, in any proceeding involving a sexual offense,
224 human trafficking, or child abuse, abandonment, or neglect.

225 (a) When deciding whether to allow ~~permit~~ a victim or
226 witness under the age of 18, a person who has an intellectual
227 disability, a human trafficking victim or witness, or a sexual
228 offense victim or witness to testify with the assistance of a
229 therapy animal or facility dog, the court shall consider the age
230 of the child victim or witness; the age of the human trafficking
231 victim or witness at the time the human trafficking offense
232 occurred;~~7~~ the age of the sexual offense victim or witness at

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233 the time the sexual offense occurred;; the interests of the
234 child victim or witness, human trafficking offense victim or
235 witness, or sexual offense victim or witness;; the rights of the
236 parties to the litigation;; and any other relevant factor that
237 would facilitate the testimony by the victim or witness under
238 the age of 18, person who has an intellectual disability, human
239 trafficking victim or witness, or sexual offense victim or
240 witness.

241 (b) For purposes of this subsection the term:

242 1. "Facility dog" means a dog that has been trained,
243 evaluated, and certified as a facility dog pursuant to industry
244 standards and provides unobtrusive emotional support to children
245 and adults in facility settings.

246 2. "Therapy animal" means an animal that has been trained,
247 evaluated, and certified as a therapy animal pursuant to
248 industry standards by an organization that certifies animals as
249 appropriate to provide animal therapy.

250 Section 3. Paragraphs (d) and (g) of subsection (2) and
251 paragraphs (a), (c), (e), (f), and (g) of subsection (3) of
252 section 787.06, Florida Statutes, are amended, and subsection
253 (12) is added to that section, to read:

254 787.06 Human trafficking.—

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

256 (d) "Human trafficking" means transporting, soliciting,
257 recruiting, harboring, providing, enticing, maintaining,
258 purchasing, patronizing, procuring, or obtaining another person
259 for the purpose of exploitation of that person.

260 (g) "Obtain" means, in relation to labor, commercial sexual
261 activity, or services, to receive, take possession of, or take

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262 custody of another person or secure performance thereof.

263 (3) Any person who knowingly, or in reckless disregard of
264 the facts, engages in human trafficking, or attempts to engage
265 in human trafficking, or benefits financially by receiving
266 anything of value from participation in a venture that has
267 subjected a person to human trafficking:

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

273 2. Using coercion for labor or services of an adult commits
274 a felony of the first degree, punishable as provided in s.
275 775.082, s. 775.083, or s. 775.084.

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

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

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

290 2. Using coercion for labor or services who does so by the

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291 transfer or transport of an adult from outside this state to
292 within this ~~the~~ state commits a felony of the first degree,
293 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

301 2. Using coercion for commercial sexual activity who does
302 so by the transfer or transport of an adult from outside this
303 state to within this ~~the~~ state commits a felony of the first
304 degree, punishable as provided in s. 775.082, s. 775.083, or s.
305 775.084.

306 (g) For commercial sexual activity in which any child
307 younger than 18 years of ~~under the age or an adult believed by~~
308 the person to be a child younger than 18 years of age, or in
309 which any person who is mentally defective or mentally
310 incapacitated as those terms are defined in s. 794.011(1), is
311 involved commits a life felony, punishable as provided in s.
312 775.082(3)(a)6., s. 775.083, or s. 775.084.

313
314 For each instance of human trafficking of any individual under
315 this subsection, a separate crime is committed and a separate
316 punishment is authorized.

317 (12) The Legislature encourages each state attorney to
318 adopt a pro-prosecution policy for human trafficking offenses,
319 as provided in this section. After consulting the victim, or

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320 making a good faith attempt to consult the victim, the state
321 attorney shall determine the filing, nonfiling, or diversion of
322 criminal charges even in circumstances where there is no
323 cooperation from a victim or over the objection of the victim,
324 if necessary.

325 Section 4. Subsections (2) and (3) and paragraph (a) of
326 subsection (6) of section 943.0583, Florida Statutes, are
327 amended to read:

328 943.0583 Human trafficking victim expunction.—

329 (2) Notwithstanding any other provision of law, upon the
330 filing of a petition as provided in this section, any court in
331 the circuit in which the petitioner was arrested, so long as the
332 court has jurisdiction over the class of offense or offenses
333 sought to be expunged, may order a criminal justice agency to
334 expunge the criminal history record of a victim of human
335 trafficking who complies with the requirements of this section.
336 A petition need not be filed in the court where the petitioner's
337 criminal proceeding or proceedings originally occurred. This
338 section does not confer any right to the expunction of any
339 criminal history record, and any request for expunction of a
340 criminal history record may be denied at the discretion of the
341 court. The clerk of the court may not charge a filing fee,
342 service charge, or copy fee or any other charge for a petition
343 filed under this section. The clerk of the court shall treat a
344 petition seeking to expunge more than one eligible case as a
345 single petition.

346 (3) A person who is a victim of human trafficking may
347 petition for the expunction of a criminal history record
348 resulting from the arrest or filing of charges for one or more

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349 offenses ~~an offense~~ committed or reported to have been committed
350 while the person was a victim of human trafficking, which
351 offense was committed or reported to have been committed as a
352 part of the human trafficking scheme of which the person was a
353 victim or at the direction of an operator of the scheme,
354 including, but not limited to, violations under chapters 796 and
355 847, without regard to the disposition of the arrest or of any
356 charges. However, this section does not apply to any offense
357 listed in s. 775.084(1)(b)1. Determination of the petition under
358 this section should be by a preponderance of the evidence. A
359 conviction expunged under this section is deemed to have been
360 vacated due to a substantive defect in the underlying criminal
361 proceedings. If a person is adjudicated not guilty by reason of
362 insanity or is found to be incompetent to stand trial for any
363 such charge, the expunction of the criminal history record may
364 not prevent the entry of the judgment or finding in state and
365 national databases for use in determining eligibility to
366 purchase or possess a firearm or to carry a concealed firearm,
367 as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t),
368 nor shall it prevent any governmental agency that is authorized
369 by state or federal law to determine eligibility to purchase or
370 possess a firearm or to carry a concealed firearm from accessing
371 or using the record of the judgment or finding in the course of
372 such agency's official duties.

373 (6) Each petition to a court to expunge a criminal history
374 record is complete only when accompanied by:

375 (a) The petitioner's sworn statement attesting that the
376 petitioner is eligible for such an expunction to the best of his
377 or her knowledge or belief ~~and does not have any other petition~~

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378 ~~to expunge or any petition to seal pending before any court.~~

379

380 Any person who knowingly provides false information on such
381 sworn statement to the court commits a felony of the third
382 degree, punishable as provided in s. 775.082, s. 775.083, or s.
383 775.084.

384 Section 5. Subsections (1) and (2) of section 948.30,
385 Florida Statutes, are amended to read:

386 948.30 Additional terms and conditions of probation or
387 community control for certain sex offenses.—Conditions imposed
388 pursuant to this section do not require oral pronouncement at
389 the time of sentencing and shall be considered standard
390 conditions of probation or community control for offenders
391 specified in this section.

392 (1) Effective for probationers or community controllees
393 whose crime was committed on or after October 1, 1995, and who
394 are placed under supervision for a violation of chapter 794, s.
395 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, or whose
396 crime was committed on or after July 1, 2021, and who are placed
397 under supervision for a violation of s. 787.06(3)(b), (d), (f),
398 or (g), the court must impose the following conditions in
399 addition to all other standard and special conditions imposed:

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

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

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407 living within 1,000 feet of a school, child care facility, park,
408 playground, or other place where children regularly congregate,
409 as prescribed by the court. The 1,000-foot distance shall be
410 measured in a straight line from the offender's place of
411 residence to the nearest boundary line of the school, child care
412 facility, park, playground, or other place where children
413 congregate. The distance may not be measured by a pedestrian
414 route or automobile route. A probationer or community controllee
415 who is subject to this paragraph may not be forced to relocate
416 and does not violate his or her probation or community control
417 if he or she is living in a residence that meets the
418 requirements of this paragraph and a school, child care
419 facility, park, playground, or other place where children
420 regularly congregate is subsequently established within 1,000
421 feet of his or her residence.

422 (c) Active participation in and successful completion of a
423 sex offender treatment program with qualified practitioners
424 specifically trained to treat sex offenders, at the
425 probationer's or community controllee's own expense. If a
426 qualified practitioner is not available within a 50-mile radius
427 of the probationer's or community controllee's residence, the
428 offender shall participate in other appropriate therapy.

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

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

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436 child under the age of 18 if the approval is based upon a
437 recommendation for contact issued by a qualified practitioner
438 who is basing the recommendation on a risk assessment. Further,
439 the sex offender must be currently enrolled in or have
440 successfully completed a sex offender therapy program. The court
441 may not grant supervised contact with a child if the contact is
442 not recommended by a qualified practitioner and may deny
443 supervised contact with a child at any time. When considering
444 whether to approve supervised contact with a child, the court
445 must review and consider the following:

446 1. A risk assessment completed by a qualified practitioner.
447 The qualified practitioner must prepare a written report that
448 must include the findings of the assessment and address each of
449 the following components:

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

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

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

455 d. The sex offender's history of juvenile charges, whenever
456 available;

457 e. The sex offender's offender treatment history, including
458 consultations with the sex offender's treating, or most recent
459 treating, therapist;

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

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

463 h. The sex offender's personal, social, educational, and
464 work history;

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

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

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

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

473 m. The qualified practitioner's opinion, along with the
474 basis for that opinion, as to whether the proposed contact would
475 likely pose significant risk of emotional or physical harm to
476 the child.

477
478 The written report of the assessment must be given to the court;

479 2. A recommendation made as a part of the risk assessment
480 report as to whether supervised contact with the child should be
481 approved;

482 3. A written consent signed by the child's parent or legal
483 guardian, if the parent or legal guardian is not the sex
484 offender, agreeing to the sex offender having supervised contact
485 with the child after receiving full disclosure of the sex
486 offender's present legal status, past criminal history, and the
487 results of the risk assessment. The court may not approve
488 contact with the child if the parent or legal guardian refuses
489 to give written consent for supervised contact;

490 4. A safety plan prepared by the qualified practitioner,
491 who provides treatment to the offender, in collaboration with
492 the sex offender, the child's parent or legal guardian, if the
493 parent or legal guardian is not the sex offender, and the child,

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

497 5. Evidence that the child's parent or legal guardian
498 understands the need for and agrees to the safety plan and has
499 agreed to provide, or to designate another adult to provide,
500 constant supervision any time the child is in contact with the
501 offender.

502

503 The court may not appoint a person to conduct a risk assessment
504 and may not accept a risk assessment from a person who has not
505 demonstrated to the court that he or she has met the
506 requirements of a qualified practitioner as defined in this
507 section.

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

513 (g) Unless otherwise indicated in the treatment plan
514 provided by a qualified practitioner in the sexual offender
515 treatment program, a prohibition on viewing, accessing, owning,
516 or possessing any obscene, pornographic, or sexually stimulating
517 visual or auditory material, including telephone, electronic
518 media, computer programs, or computer services that are relevant
519 to the offender's deviant behavior pattern.

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

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523 qualified practitioner in the offender's sex offender treatment
524 program, after a risk assessment is completed, approves and
525 implements a safety plan for the offender's accessing or using
526 the Internet or other computer services.

527 (i) A requirement that the probationer or community
528 controllee must submit a specimen of blood or other approved
529 biological specimen to the Department of Law Enforcement to be
530 registered with the DNA data bank.

531 (j) A requirement that the probationer or community
532 controllee make restitution to the victim, as ordered by the
533 court under s. 775.089, for all necessary medical and related
534 professional services relating to physical, psychiatric, and
535 psychological care.

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

539 (2) Effective for a probationer or community controllee
540 whose crime was committed on or after October 1, 1997, and who
541 is placed on community control or sex offender probation for a
542 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
543 or s. 847.0145, or whose crime was committed on or after July 1,
544 2021, and who is placed on community control or sex offender
545 probation for a violation of s. 787.06(3)(b), (d), (f), or (g),
546 in addition to any other provision of this section, the court
547 must impose the following conditions of probation or community
548 control:

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

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552 sex offender's denial mechanisms. A polygraph examination must
553 be conducted by a polygrapher who is a member of a national or
554 state polygraph association and who is certified as a
555 postconviction sex offender polygrapher, where available, and
556 shall be paid for by the probationer or community controllee.
557 The results of the polygraph examination shall be provided to
558 the probationer's or community controllee's probation officer
559 and qualified practitioner and shall not be used as evidence in
560 court to prove that a violation of community supervision has
561 occurred.

562 (b) Maintenance of a driving log and a prohibition against
563 driving a motor vehicle alone without the prior approval of the
564 supervising officer.

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

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

571 (e) Electronic monitoring when deemed necessary by the
572 community control or probation officer and his or her
573 supervisor, and ordered by the court at the recommendation of
574 the Department of Corrections.

575 Section 6. For the purpose of incorporating the amendment
576 made by this act to section 787.06, Florida Statutes, in a
577 reference thereto, subsection (3) of section 39.01305, Florida
578 Statutes, is reenacted to read:

579 39.01305 Appointment of an attorney for a dependent child
580 with certain special needs.-

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581 (3) An attorney shall be appointed for a dependent child
582 who:

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

585 (b) Is prescribed a psychotropic medication but declines
586 assent to the psychotropic medication;

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

589 (d) Is being placed in a residential treatment center or
590 being considered for placement in a residential treatment
591 center; or

592 (e) Is a victim of human trafficking as defined in s.
593 787.06(2)(d).

594 Section 7. For the purpose of incorporating the amendment
595 made by this act to section 787.06, Florida Statutes, in a
596 reference thereto, paragraph (c) of subsection (3) of section
597 464.013, Florida Statutes, is reenacted to read:

598 464.013 Renewal of license or certificate.—

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

602 (c) Notwithstanding the exemption in paragraph (a), as part
603 of the maximum biennial continuing education hours required
604 under this subsection, the board shall require each person
605 licensed or certified under this chapter to complete a 2-hour
606 continuing education course on human trafficking, as defined in
607 s. 787.06(2). The continuing education course must consist of
608 data and information on the types of human trafficking, such as
609 labor and sex, and the extent of human trafficking; factors that

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610 place a person at greater risk of being a victim of human
611 trafficking; public and private social services available for
612 rescue, food, clothing, and shelter referrals; hotlines for
613 reporting human trafficking which are maintained by the National
614 Human Trafficking Resource Center and the United States
615 Department of Homeland Security; validated assessment tools for
616 identifying a human trafficking victim and general indicators
617 that a person may be a victim of human trafficking; procedures
618 for sharing information related to human trafficking with a
619 patient; and referral options for legal and social services. All
620 licensees must complete this course for every biennial licensure
621 renewal on or after January 1, 2019.

622 Section 8. For the purpose of incorporating the amendment
623 made by this act to section 787.06, Florida Statutes, in a
624 reference thereto, paragraph (a) of subsection (4) of section
625 775.21, Florida Statutes, is reenacted to read:

626 775.21 The Florida Sexual Predators Act.—

627 (4) SEXUAL PREDATOR CRITERIA.—

628 (a) For a current offense committed on or after October 1,
629 1993, upon conviction, an offender shall be designated as a
630 "sexual predator" under subsection (5), and subject to
631 registration under subsection (6) and community and public
632 notification under subsection (7) if:

633 1. The felony is:

634 a. A capital, life, or first degree felony violation, or
635 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
636 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
637 violation of a similar law of another jurisdiction; or

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

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639 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
640 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
641 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
642 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
643 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
644 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
645 the court makes a written finding that the racketeering activity
646 involved at least one sexual offense listed in this sub-
647 subparagraph or at least one offense listed in this sub-
648 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
649 985.701(1); or a violation of a similar law of another
650 jurisdiction, and the offender has previously been convicted of
651 or found to have committed, or has pled nolo contendere or
652 guilty to, regardless of adjudication, any violation of s.
653 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
654 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
655 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
656 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
657 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
658 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
659 makes a written finding that the racketeering activity involved
660 at least one sexual offense listed in this sub-subparagraph or
661 at least one offense listed in this sub-subparagraph with sexual
662 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
663 violation of a similar law of another jurisdiction;

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

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

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

670 Section 9. For the purpose of incorporating the amendment
671 made by this act to section 787.06, Florida Statutes, in
672 references thereto, paragraph (h) of subsection (1) of section
673 943.0435, Florida Statutes, is reenacted to read:

674 943.0435 Sexual offenders required to register with the
675 department; penalty.—

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

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

680 a.(I) Has been convicted of committing, or attempting,
681 soliciting, or conspiring to commit, any of the criminal
682 offenses proscribed in the following statutes in this state or
683 similar offenses in another jurisdiction: s. 393.135(2); s.
684 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
685 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
686 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
687 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
688 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
689 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
690 s. 895.03, if the court makes a written finding that the
691 racketeering activity involved at least one sexual offense
692 listed in this sub-sub-subparagraph or at least one offense
693 listed in this sub-sub-subparagraph with sexual intent or
694 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
695 committed in this state which has been redesignated from a
696 former statute number to one of those listed in this sub-sub-

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697 subparagraph; and

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

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

717 c. Establishes or maintains a residence in this state who
718 is in the custody or control of, or under the supervision of,
719 any other state or jurisdiction as a result of a conviction for
720 committing, or attempting, soliciting, or conspiring to commit,
721 any of the criminal offenses proscribed in the following
722 statutes or similar offense in another jurisdiction: s.
723 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
724 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
725 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding

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726 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
727 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
728 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
729 s. 847.0145; s. 895.03, if the court makes a written finding
730 that the racketeering activity involved at least one sexual
731 offense listed in this sub-subparagraph or at least one offense
732 listed in this sub-subparagraph with sexual intent or motive; s.
733 916.1075(2); or s. 985.701(1); or any similar offense committed
734 in this state which has been redesignated from a former statute
735 number to one of those listed in this sub-subparagraph; or

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

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

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

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

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

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

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

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755 offender at the time of the offense.

756

757 For each violation of a qualifying offense listed in this
758 subsection, except for a violation of s. 794.011, the court
759 shall make a written finding of the age of the victim at the
760 time of the offense. For a violation of s. 800.04(4), the court
761 shall also make a written finding indicating whether the offense
762 involved sexual activity and indicating whether the offense
763 involved force or coercion. For a violation of s. 800.04(5), the
764 court shall also make a written finding that the offense did or
765 did not involve unclothed genitals or genital area and that the
766 offense did or did not involve the use of force or coercion.

767 Section 10. For the purpose of incorporating the amendment
768 made by this act to section 787.06, Florida Statutes, in a
769 reference thereto, paragraph (a) of subsection (1) of section
770 943.0583, Florida Statutes, is reenacted to read:

771 943.0583 Human trafficking victim expunction.—

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

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

775 Section 11. For the purpose of incorporating the amendment
776 made by this act to section 787.06, Florida Statutes, in a
777 reference thereto, paragraph (f) of subsection (1) of section
778 944.606, Florida Statutes, is reenacted to read:

779 944.606 Sexual offenders; notification upon release.—

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

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

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784 statutes in this state or similar offenses in another
785 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
786 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
787 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
788 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
789 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
790 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
791 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
792 makes a written finding that the racketeering activity involved
793 at least one sexual offense listed in this paragraph or at least
794 one offense listed in this paragraph with sexual intent or
795 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
796 committed in this state which has been redesignated from a
797 former statute number to one of those listed in this subsection,
798 when the department has received verified information regarding
799 such conviction; an offender's computerized criminal history
800 record is not, in and of itself, verified information.

801 Section 12. This act shall take effect July 1, 2021.