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1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 90.5037, F.S.; providing definitions; providing that a
4 communication between a human trafficking victim
5 advocate or trained volunteer and a human trafficking
6 victim is confidential in certain circumstances;
7 specifying what the privilege encompasses; specifying
8 who may claim the privilege; amending s. 787.06, F.S.;
9 revising the definitions of the terms "human
10 trafficking" and "obtain"; prohibiting a person from
11 engaging in specified criminal acts relating to human
12 trafficking with an adult believed to be a child
13 younger than 18 years of age; providing criminal
14 penalties; encouraging each state attorney to adopt a
15 pro-prosecution policy for acts of human trafficking;
16 amending s. 943.0583, F.S.; prohibiting a clerk of the
17 court from charging certain fees for petitions for
18 expunction of human trafficking victim criminal
19 history records; providing that a petition seeking
20 expunction of more than one case is a single petition;
21 deleting a requirement that a petitioner under this
22 section have no other expunction or any sealing
23 petitions pending; amending s. 948.30, F.S.; requiring
24 a court to impose specified conditions on probationers
25 or community controllees who are placed under
26 supervision for committing a specified human
27 trafficking offense on or after a certain date;
28 requiring a court to impose specified conditions on
29 probationers or community controllees who are placed

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30 on community control or sex offender probation for
31 committing a specified human trafficking offense on or
32 after a certain date; reenacting ss. 39.01305(3),
33 464.013(3)(c), 775.21(4)(a), 943.0435(1)(h),
34 943.0583(1)(a), and 944.606(1)(f), F.S., relating to
35 appointment of an attorney for a dependent child with
36 certain special needs, renewal of license or
37 certificate, the Florida Sexual Predators Act, sexual
38 offenders required to register with the department and
39 penalties, human trafficking victim expunction, and
40 sexual offenders and notification upon release,
41 respectively, to incorporate the amendment made to s.
42 787.06, F.S., in references thereto; providing an
43 effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 90.5037, Florida Statutes, is created to
48 read:

49 90.5037 Human trafficking victim advocate-victim
50 privilege.-

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

52 (a) "Anti-human trafficking organization" means a
53 registered public or private agency that offers assistance to
54 victims of the offense of human trafficking, as defined in s.
55 787.06(2).

56 (b) "Human trafficking victim" means a person who consults
57 a human trafficking victim advocate or a trained volunteer for
58 the purpose of securing advice, counseling, or services

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59 concerning a need arising from an experience of human
60 trafficking exploitation.

61 (c) "Human trafficking victim advocate" means an employee
62 of an anti-human trafficking organization whose primary purpose
63 is to provide advice, counseling, or services to human
64 trafficking victims and who complies with the training
65 requirements under subsection (5).

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

69 (2) A communication between a human trafficking victim
70 advocate or trained volunteer and a human trafficking victim is
71 confidential if it is not intended to be disclosed to third
72 persons other than:

73 (a) Those persons present to further the interest of the
74 human trafficking victim in the consultation, examination, or
75 interview.

76 (b) Those persons necessary for the transmission of the
77 communication.

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

81 (3) A human trafficking victim has a privilege to refuse to
82 disclose, and to prevent any other person from disclosing, a
83 confidential communication made by the human trafficking victim
84 to a human trafficking victim advocate or trained volunteer or a
85 record made in the course of advising, counseling, or providing
86 services to the human trafficking victim. Such confidential
87 communication or record may be disclosed only with the prior

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88 written consent of the human trafficking victim. This privilege
89 includes any advice given by the human trafficking victim
90 advocate or trained volunteer to the human trafficking victim in
91 the course of that relationship.

92 (4) The privilege may be claimed by:

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

95 (b) The guardian or conservator of the human trafficking
96 victim.

97 (c) The personal representative of a deceased human
98 trafficking victim.

99 (d) The human trafficking victim advocate or trained
100 volunteer, but only on behalf of the human trafficking victim.
101 The authority of a human trafficking victim advocate or trained
102 volunteer to claim the privilege is presumed in the absence of
103 evidence to the contrary.

104 (5) A human trafficking victim advocate or a trained
105 volunteer shall:

106 (a) Complete 24 hours of human trafficking training
107 delivered by the Office of the Attorney General, the Bureau of
108 Criminal Justice Programs and Victim Services, and the Florida
109 Crime Prevention Training Institute.

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

113 Section 2. Paragraphs (d) and (g) of subsection (2) and
114 paragraphs (a), (c), (e), (f), and (g) of subsection (3) of
115 section 787.06, Florida Statutes, are amended, and subsection
116 (12) is added to that section, to read:

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117 787.06 Human trafficking.—

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

119 (d) "Human trafficking" means transporting, soliciting,
120 recruiting, harboring, providing, enticing, maintaining,
121 purchasing, patronizing, procuring, or obtaining another person
122 for the purpose of exploitation of that person.

123 (g) "Obtain" means, in relation to labor, commercial sexual
124 activity, or services, to receive, take possession of, or take
125 custody of another person or secure performance thereof.

126 (3) Any person who knowingly, or in reckless disregard of
127 the facts, engages in human trafficking, or attempts to engage
128 in human trafficking, or benefits financially by receiving
129 anything of value from participation in a venture that has
130 subjected a person to human trafficking:

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

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

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

144 2. Using coercion for labor or services of an adult who is
145 an unauthorized alien commits a felony of the first degree,

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146 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

164 2. Using coercion for commercial sexual activity who does
165 so by the transfer or transport of an adult from outside this
166 state to within this ~~the~~ state commits a felony of the first
167 degree, punishable as provided in s. 775.082, s. 775.083, or s.
168 775.084.

169 (g) For commercial sexual activity in which any child
170 younger than 18 years of ~~under the age or~~ an adult believed by
171 the person to be a child younger than ~~of 18~~ years of age, or in
172 which any person who is mentally defective or mentally
173 incapacitated as those terms are defined in s. 794.011(1), is
174 involved commits a life felony, punishable as provided in s.

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175 775.082 (3) (a) 6., s. 775.083, or s. 775.084.

176

177 For each instance of human trafficking of any individual under
178 this subsection, a separate crime is committed and a separate
179 punishment is authorized.

180 (12) The Legislature encourages each state attorney to
181 adopt a pro-prosecution policy for human trafficking offenses,
182 as provided in this section. After consulting the victim, or
183 making a good faith attempt to consult the victim, the state
184 attorney shall determine the filing, nonfiling, or diversion of
185 criminal charges even in circumstances when there is no
186 cooperation from a victim or over the objection of the victim,
187 if necessary.

188 Section 3. Subsections (2) and (3) and paragraph (a) of
189 subsection (6) of section 943.0583, Florida Statutes, are
190 amended to read:

191 943.0583 Human trafficking victim expunction.—

192 (2) Notwithstanding any other provision of law, upon the
193 filing of a petition as provided in this section, any court in
194 the circuit in which the petitioner was arrested, so long as the
195 court has jurisdiction over the class of offense or offenses
196 sought to be expunged, may order a criminal justice agency to
197 expunge the criminal history record of a victim of human
198 trafficking who complies with the requirements of this section.
199 A petition need not be filed in the court where the petitioner's
200 criminal proceeding or proceedings originally occurred. This
201 section does not confer any right to the expunction of any
202 criminal history record, and any request for expunction of a
203 criminal history record may be denied at the discretion of the

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204 court. The clerk of the court may not charge a filing fee,
205 service charge, or copy fee or any other charge for a petition
206 filed under this section. The clerk of the court shall treat a
207 petition seeking to expunge more than one eligible case as a
208 single petition.

209 (3) A person who is a victim of human trafficking may
210 petition for the expunction of a criminal history record
211 resulting from the arrest or filing of charges for one or more
212 offenses ~~an offense~~ committed or reported to have been committed
213 while the person was a victim of human trafficking, which
214 offense was committed or reported to have been committed as a
215 part of the human trafficking scheme of which the person was a
216 victim or at the direction of an operator of the scheme,
217 including, but not limited to, violations under chapters 796 and
218 847, without regard to the disposition of the arrest or of any
219 charges. However, this section does not apply to any offense
220 listed in s. 775.084(1)(b)1. Determination of the petition under
221 this section should be by a preponderance of the evidence. A
222 conviction expunged under this section is deemed to have been
223 vacated due to a substantive defect in the underlying criminal
224 proceedings. If a person is adjudicated not guilty by reason of
225 insanity or is found to be incompetent to stand trial for any
226 such charge, the expunction of the criminal history record may
227 not prevent the entry of the judgment or finding in state and
228 national databases for use in determining eligibility to
229 purchase or possess a firearm or to carry a concealed firearm,
230 as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t),
231 nor shall it prevent any governmental agency that is authorized
232 by state or federal law to determine eligibility to purchase or

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233 possess a firearm or to carry a concealed firearm from accessing
234 or using the record of the judgment or finding in the course of
235 such agency's official duties.

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

238 (a) The petitioner's sworn statement attesting that the
239 petitioner is eligible for such an expunction to the best of his
240 or her knowledge or belief ~~and does not have any other petition~~
241 ~~to expunge or any petition to seal pending before any court.~~

242

243 Any person who knowingly provides false information on such
244 sworn statement to the court commits a felony of the third
245 degree, punishable as provided in s. 775.082, s. 775.083, or s.
246 775.084.

247 Section 4. Subsections (1) and (2) of section 948.30,
248 Florida Statutes, are amended to read:

249 948.30 Additional terms and conditions of probation or
250 community control for certain sex offenses.—Conditions imposed
251 pursuant to this section do not require oral pronouncement at
252 the time of sentencing and shall be considered standard
253 conditions of probation or community control for offenders
254 specified in this section.

255 (1) Effective for probationers or community controllees
256 whose crime was committed on or after October 1, 1995, and who
257 are placed under supervision for a violation of chapter 794, s.
258 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, or whose
259 crime was committed on or after July 1, 2021, and who are placed
260 under supervision for a violation of s. 787.06(3)(b), (d), (f),
261 or (g), the court must impose the following conditions in

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262 addition to all other standard and special conditions imposed:

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

269 (b) If the victim was under the age of 18, a prohibition on
270 living within 1,000 feet of a school, child care facility, park,
271 playground, or other place where children regularly congregate,
272 as prescribed by the court. The 1,000-foot distance shall be
273 measured in a straight line from the offender's place of
274 residence to the nearest boundary line of the school, child care
275 facility, park, playground, or other place where children
276 congregate. The distance may not be measured by a pedestrian
277 route or automobile route. A probationer or community controllee
278 who is subject to this paragraph may not be forced to relocate
279 and does not violate his or her probation or community control
280 if he or she is living in a residence that meets the
281 requirements of this paragraph and a school, child care
282 facility, park, playground, or other place where children
283 regularly congregate is subsequently established within 1,000
284 feet of his or her residence.

285 (c) Active participation in and successful completion of a
286 sex offender treatment program with qualified practitioners
287 specifically trained to treat sex offenders, at the
288 probationer's or community controllee's own expense. If a
289 qualified practitioner is not available within a 50-mile radius
290 of the probationer's or community controllee's residence, the

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291 offender shall participate in other appropriate therapy.

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

296 (e) If the victim was under the age of 18, a prohibition on
297 contact with a child under the age of 18 except as provided in
298 this paragraph. The court may approve supervised contact with a
299 child under the age of 18 if the approval is based upon a
300 recommendation for contact issued by a qualified practitioner
301 who is basing the recommendation on a risk assessment. Further,
302 the sex offender must be currently enrolled in or have
303 successfully completed a sex offender therapy program. The court
304 may not grant supervised contact with a child if the contact is
305 not recommended by a qualified practitioner and may deny
306 supervised contact with a child at any time. When considering
307 whether to approve supervised contact with a child, the court
308 must review and consider the following:

309 1. A risk assessment completed by a qualified practitioner.
310 The qualified practitioner must prepare a written report that
311 must include the findings of the assessment and address each of
312 the following components:

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

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

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

318 d. The sex offender's history of juvenile charges, whenever
319 available;

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320 e. The sex offender's offender treatment history, including
321 consultations with the sex offender's treating, or most recent
322 treating, therapist;

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

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

326 h. The sex offender's personal, social, educational, and
327 work history;

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

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

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

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

336 m. The qualified practitioner's opinion, along with the
337 basis for that opinion, as to whether the proposed contact would
338 likely pose significant risk of emotional or physical harm to
339 the child.

340
341 The written report of the assessment must be given to the court;

342 2. A recommendation made as a part of the risk assessment
343 report as to whether supervised contact with the child should be
344 approved;

345 3. A written consent signed by the child's parent or legal
346 guardian, if the parent or legal guardian is not the sex
347 offender, agreeing to the sex offender having supervised contact
348 with the child after receiving full disclosure of the sex

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349 offender's present legal status, past criminal history, and the
350 results of the risk assessment. The court may not approve
351 contact with the child if the parent or legal guardian refuses
352 to give written consent for supervised contact;

353 4. A safety plan prepared by the qualified practitioner,
354 who provides treatment to the offender, in collaboration with
355 the sex offender, the child's parent or legal guardian, if the
356 parent or legal guardian is not the sex offender, and the child,
357 when age appropriate, which details the acceptable conditions of
358 contact between the sex offender and the child. The safety plan
359 must be reviewed and approved by the court; and

360 5. Evidence that the child's parent or legal guardian
361 understands the need for and agrees to the safety plan and has
362 agreed to provide, or to designate another adult to provide,
363 constant supervision any time the child is in contact with the
364 offender.

365

366 The court may not appoint a person to conduct a risk assessment
367 and may not accept a risk assessment from a person who has not
368 demonstrated to the court that he or she has met the
369 requirements of a qualified practitioner as defined in this
370 section.

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

376 (g) Unless otherwise indicated in the treatment plan
377 provided by a qualified practitioner in the sexual offender

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378 treatment program, a prohibition on viewing, accessing, owning,
379 or possessing any obscene, pornographic, or sexually stimulating
380 visual or auditory material, including telephone, electronic
381 media, computer programs, or computer services that are relevant
382 to the offender's deviant behavior pattern.

383 (h) Effective for probationers and community controllees
384 whose crime is committed on or after July 1, 2005, a prohibition
385 on accessing the Internet or other computer services until a
386 qualified practitioner in the offender's sex offender treatment
387 program, after a risk assessment is completed, approves and
388 implements a safety plan for the offender's accessing or using
389 the Internet or other computer services.

390 (i) A requirement that the probationer or community
391 controllee must submit a specimen of blood or other approved
392 biological specimen to the Department of Law Enforcement to be
393 registered with the DNA data bank.

394 (j) A requirement that the probationer or community
395 controllee make restitution to the victim, as ordered by the
396 court under s. 775.089, for all necessary medical and related
397 professional services relating to physical, psychiatric, and
398 psychological care.

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

402 (2) Effective for a probationer or community controllee
403 whose crime was committed on or after October 1, 1997, and who
404 is placed on community control or sex offender probation for a
405 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
406 or s. 847.0145, or whose crime was committed on or after July 1,

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407 2021, and who is placed on community control or sex offender
408 probation for a violation of s. 787.06(3)(b), (d), (f), or (g),
409 in addition to any other provision of this section, the court
410 must impose the following conditions of probation or community
411 control:

412 (a) As part of a treatment program, participation at least
413 annually in polygraph examinations to obtain information
414 necessary for risk management and treatment and to reduce the
415 sex offender's denial mechanisms. A polygraph examination must
416 be conducted by a polygrapher who is a member of a national or
417 state polygraph association and who is certified as a
418 postconviction sex offender polygrapher, where available, and
419 shall be paid for by the probationer or community controllee.
420 The results of the polygraph examination shall be provided to
421 the probationer's or community controllee's probation officer
422 and qualified practitioner and shall not be used as evidence in
423 court to prove that a violation of community supervision has
424 occurred.

425 (b) Maintenance of a driving log and a prohibition against
426 driving a motor vehicle alone without the prior approval of the
427 supervising officer.

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

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

434 (e) Electronic monitoring when deemed necessary by the
435 community control or probation officer and his or her

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436 supervisor, and ordered by the court at the recommendation of
437 the Department of Corrections.

438 Section 5. For the purpose of incorporating the amendment
439 made by this act to section 787.06, Florida Statutes, in a
440 reference thereto, subsection (3) of section 39.01305, Florida
441 Statutes, is reenacted to read:

442 39.01305 Appointment of an attorney for a dependent child
443 with certain special needs.—

444 (3) An attorney shall be appointed for a dependent child
445 who:

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

448 (b) Is prescribed a psychotropic medication but declines
449 assent to the psychotropic medication;

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

452 (d) Is being placed in a residential treatment center or
453 being considered for placement in a residential treatment
454 center; or

455 (e) Is a victim of human trafficking as defined in s.
456 787.06(2)(d).

457 Section 6. For the purpose of incorporating the amendment
458 made by this act to section 787.06, Florida Statutes, in a
459 reference thereto, paragraph (c) of subsection (3) of section
460 464.013, Florida Statutes, is reenacted to read:

461 464.013 Renewal of license or certificate.—

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

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465 (c) Notwithstanding the exemption in paragraph (a), as part
466 of the maximum biennial continuing education hours required
467 under this subsection, the board shall require each person
468 licensed or certified under this chapter to complete a 2-hour
469 continuing education course on human trafficking, as defined in
470 s. 787.06(2). The continuing education course must consist of
471 data and information on the types of human trafficking, such as
472 labor and sex, and the extent of human trafficking; factors that
473 place a person at greater risk of being a victim of human
474 trafficking; public and private social services available for
475 rescue, food, clothing, and shelter referrals; hotlines for
476 reporting human trafficking which are maintained by the National
477 Human Trafficking Resource Center and the United States
478 Department of Homeland Security; validated assessment tools for
479 identifying a human trafficking victim and general indicators
480 that a person may be a victim of human trafficking; procedures
481 for sharing information related to human trafficking with a
482 patient; and referral options for legal and social services. All
483 licensees must complete this course for every biennial licensure
484 renewal on or after January 1, 2019.

485 Section 7. For the purpose of incorporating the amendment
486 made by this act to section 787.06, Florida Statutes, in a
487 reference thereto, paragraph (a) of subsection (4) of section
488 775.21, Florida Statutes, is reenacted to read:

489 775.21 The Florida Sexual Predators Act.—

490 (4) SEXUAL PREDATOR CRITERIA.—

491 (a) For a current offense committed on or after October 1,
492 1993, upon conviction, an offender shall be designated as a
493 "sexual predator" under subsection (5), and subject to

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494 registration under subsection (6) and community and public
495 notification under subsection (7) if:

496 1. The felony is:

497 a. A capital, life, or first degree felony violation, or
498 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
499 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
500 violation of a similar law of another jurisdiction; or

501 b. Any felony violation, or any attempt thereof, of s.
502 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
503 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
504 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
505 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
506 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
507 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
508 the court makes a written finding that the racketeering activity
509 involved at least one sexual offense listed in this sub-
510 subparagraph or at least one offense listed in this sub-
511 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
512 985.701(1); or a violation of a similar law of another
513 jurisdiction, and the offender has previously been convicted of
514 or found to have committed, or has pled nolo contendere or
515 guilty to, regardless of adjudication, any violation of s.
516 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
517 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
518 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
519 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
520 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
521 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
522 makes a written finding that the racketeering activity involved

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523 at least one sexual offense listed in this sub-subparagraph or
524 at least one offense listed in this sub-subparagraph with sexual
525 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
526 violation of a similar law of another jurisdiction;

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

530 3. A conviction of a felony or similar law of another
531 jurisdiction necessary to the operation of this paragraph has
532 not been set aside in any postconviction proceeding.

533 Section 8. For the purpose of incorporating the amendment
534 made by this act to section 787.06, Florida Statutes, in
535 references thereto, paragraph (h) of subsection (1) of section
536 943.0435, Florida Statutes, is reenacted to read:

537 943.0435 Sexual offenders required to register with the
538 department; penalty.—

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

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

543 a.(I) Has been convicted of committing, or attempting,
544 soliciting, or conspiring to commit, any of the criminal
545 offenses proscribed in the following statutes in this state or
546 similar offenses in another jurisdiction: s. 393.135(2); s.
547 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
548 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
549 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
550 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
551 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,

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552 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
553 s. 895.03, if the court makes a written finding that the
554 racketeering activity involved at least one sexual offense
555 listed in this sub-sub-subparagraph or at least one offense
556 listed in this sub-sub-subparagraph with sexual intent or
557 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
558 committed in this state which has been redesignated from a
559 former statute number to one of those listed in this sub-sub-
560 subparagraph; and

561 (II) Has been released on or after October 1, 1997, from
562 the sanction imposed for any conviction of an offense described
563 in sub-sub-subparagraph (I). For purposes of sub-sub-
564 subparagraph (I), a sanction imposed in this state or in any
565 other jurisdiction includes, but is not limited to, a fine,
566 probation, community control, parole, conditional release,
567 control release, or incarceration in a state prison, federal
568 prison, private correctional facility, or local detention
569 facility;

570 b. Establishes or maintains a residence in this state and
571 who has not been designated as a sexual predator by a court of
572 this state but who has been designated as a sexual predator, as
573 a sexually violent predator, or by another sexual offender
574 designation in another state or jurisdiction and was, as a
575 result of such designation, subjected to registration or
576 community or public notification, or both, or would be if the
577 person were a resident of that state or jurisdiction, without
578 regard to whether the person otherwise meets the criteria for
579 registration as a sexual offender;

580 c. Establishes or maintains a residence in this state who

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581 is in the custody or control of, or under the supervision of,
582 any other state or jurisdiction as a result of a conviction for
583 committing, or attempting, soliciting, or conspiring to commit,
584 any of the criminal offenses proscribed in the following
585 statutes or similar offense in another jurisdiction: s.
586 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
587 787.025(2) (c), where the victim is a minor; s. 787.06(3) (b),
588 (d), (f), or (g); former s. 787.06(3) (h); s. 794.011, excluding
589 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
590 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
591 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
592 s. 847.0145; s. 895.03, if the court makes a written finding
593 that the racketeering activity involved at least one sexual
594 offense listed in this sub-subparagraph or at least one offense
595 listed in this sub-subparagraph with sexual intent or motive; s.
596 916.1075(2); or s. 985.701(1); or any similar offense committed
597 in this state which has been redesignated from a former statute
598 number to one of those listed in this sub-subparagraph; or

599 d. On or after July 1, 2007, has been adjudicated
600 delinquent for committing, or attempting, soliciting, or
601 conspiring to commit, any of the criminal offenses proscribed in
602 the following statutes in this state or similar offenses in
603 another jurisdiction when the juvenile was 14 years of age or
604 older at the time of the offense:

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

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

609 (III) Section 800.04(5) (c)1. where the court finds

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610 molestation involving unclothed genitals;

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

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

616 2. For all qualifying offenses listed in sub-subparagraph
617 1.d., the court shall make a written finding of the age of the
618 offender at the time of the offense.

619

620 For each violation of a qualifying offense listed in this
621 subsection, except for a violation of s. 794.011, the court
622 shall make a written finding of the age of the victim at the
623 time of the offense. For a violation of s. 800.04(4), the court
624 shall also make a written finding indicating whether the offense
625 involved sexual activity and indicating whether the offense
626 involved force or coercion. For a violation of s. 800.04(5), the
627 court shall also make a written finding that the offense did or
628 did not involve unclothed genitals or genital area and that the
629 offense did or did not involve the use of force or coercion.

630 Section 9. For the purpose of incorporating the amendment
631 made by this act to section 787.06, Florida Statutes, in a
632 reference thereto, paragraph (a) of subsection (1) of section
633 943.0583, Florida Statutes, is reenacted to read:

634 943.0583 Human trafficking victim expunction.—

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

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

638 Section 10. For the purpose of incorporating the amendment

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639 made by this act to section 787.06, Florida Statutes, in a
640 reference thereto, paragraph (f) of subsection (1) of section
641 944.606, Florida Statutes, is reenacted to read:

642 944.606 Sexual offenders; notification upon release.-

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

644 (f) "Sexual offender" means a person who has been convicted
645 of committing, or attempting, soliciting, or conspiring to
646 commit, any of the criminal offenses proscribed in the following
647 statutes in this state or similar offenses in another
648 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
649 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
650 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
651 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
652 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
653 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
654 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
655 makes a written finding that the racketeering activity involved
656 at least one sexual offense listed in this paragraph or at least
657 one offense listed in this paragraph with sexual intent or
658 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
659 committed in this state which has been redesignated from a
660 former statute number to one of those listed in this subsection,
661 when the department has received verified information regarding
662 such conviction; an offender's computerized criminal history
663 record is not, in and of itself, verified information.

664 Section 11. This act shall take effect July 1, 2021.