

1 A bill to be entitled  
 2 An act relating to offenses involving children;  
 3 amending s. 90.803, F.S.; increasing the maximum age  
 4 of a child victim of specified acts whose out of court  
 5 statements may be admissible in certain circumstances;  
 6 amending s. 775.21, F.S.; providing that a first  
 7 offense of specified sex trafficking offenses  
 8 involving minors requires designation of the defendant  
 9 as a sexual predator; providing an effective date.

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

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 13 Section 1. Paragraph (a) of subsection (23) of section  
 14 90.803, Florida Statutes, is amended to read:

15 90.803 Hearsay exceptions; availability of declarant  
 16 immaterial.—The provision of s. 90.802 to the contrary  
 17 notwithstanding, the following are not inadmissible as evidence,  
 18 even though the declarant is available as a witness:

19 (23) HEARSAY EXCEPTION; STATEMENT OF CHILD VICTIM.—

20 (a) Unless the source of information or the method or  
 21 circumstances by which the statement is reported indicates a  
 22 lack of trustworthiness, an out-of-court statement made by a  
 23 child victim with a physical, mental, emotional, or  
 24 developmental age of 17 ~~16~~ or less describing any act of child  
 25 abuse or neglect, any act of sexual abuse against a child, the

26 | offense of child abuse, the offense of aggravated child abuse,  
 27 | or any offense involving an unlawful sexual act, contact,  
 28 | intrusion, or penetration performed in the presence of, with,  
 29 | by, or on the declarant child, not otherwise admissible, is  
 30 | admissible in evidence in any civil or criminal proceeding if:

31 |       1. The court finds in a hearing conducted outside the  
 32 | presence of the jury that the time, content, and circumstances  
 33 | of the statement provide sufficient safeguards of reliability.  
 34 | In making its determination, the court may consider the mental  
 35 | and physical age and maturity of the child, the nature and  
 36 | duration of the abuse or offense, the relationship of the child  
 37 | to the offender, the reliability of the assertion, the  
 38 | reliability of the child victim, and any other factor deemed  
 39 | appropriate; and

40 |       2. The child either:

41 |       a. Testifies; or

42 |       b. Is unavailable as a witness, provided that there is  
 43 | other corroborative evidence of the abuse or offense.

44 | Unavailability shall include a finding by the court that the  
 45 | child's participation in the trial or proceeding would result in  
 46 | a substantial likelihood of severe emotional or mental harm, in  
 47 | addition to findings pursuant to s. 90.804(1).

48 |       Section 2. Paragraph (a) of subsection (4) of section  
 49 | 775.21, Florida Statutes, is amended to read:

50 |       775.21 The Florida Sexual Predators Act.—

51 (4) SEXUAL PREDATOR CRITERIA.—

52 (a) For a current offense committed on or after October 1,  
 53 1993, upon conviction, an offender shall be designated as a  
 54 "sexual predator" under subsection (5), and subject to  
 55 registration under subsection (6) and community and public  
 56 notification under subsection (7) if:

57 1. The felony is:

58 a. A capital, life, or first degree felony violation, or  
 59 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
 60 is a minor, or s. 787.06(3)(f) or (g); s. 794.011, s. 800.04, or  
 61 s. 847.0145, or a violation of a similar law of another  
 62 jurisdiction; or

63 b. Any felony violation, or any attempt thereof, of s.  
 64 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 65 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b) or  
 66 (d), ~~(f), or (g)~~; former s. 787.06(3)(h); s. 794.011, excluding  
 67 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
 68 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.  
 69 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if  
 70 the court makes a written finding that the racketeering activity  
 71 involved at least one sexual offense listed in this sub-  
 72 subparagraph or at least one offense listed in this sub-  
 73 subparagraph with sexual intent or motive; s. 916.1075(2); or s.  
 74 985.701(1); or a violation of a similar law of another  
 75 jurisdiction, and the offender has previously been convicted of

76 or found to have committed, or has pled nolo contendere or  
 77 guilty to, regardless of adjudication, any violation of s.  
 78 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 79 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b) or  
 80 (d), ~~(f), or (g)~~; former s. 787.06(3)(h); s. 794.011, excluding  
 81 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
 82 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
 83 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court  
 84 makes a written finding that the racketeering activity involved  
 85 at least one sexual offense listed in this sub-subparagraph or  
 86 at least one offense listed in this sub-subparagraph with sexual  
 87 intent or motive; s. 916.1075(2); or s. 985.701(1); or a  
 88 violation of a similar law of another jurisdiction;

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

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

95 Section 3. This act shall take effect July 1, 2024.