

By Senator Collins

14-00413-24

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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

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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

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59 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
60 is a minor; s. 787.06(3)(f) or (g); ~~r~~ or s. 794.011, s. 800.04,
61 or s. 847.0145; ~~r~~ 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~~r~~
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~~r~~
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

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88 violation of a similar law of another jurisdiction;

89 2. The offender has not received a pardon for any felony or
90 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.