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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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	.	

The Committee on Judiciary (Collins) recommended the following:

Senate Amendment (with title amendment)

Between lines 94 and 95
insert:

Section 3. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 16.713, Florida Statutes, is reenacted to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.—



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12 The following persons are ineligible for appointment to the
13 commission:

14 (c) A person who has been convicted of or found guilty of
15 or pled nolo contendere to, regardless of adjudication, in any
16 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

17 Section 4. For the purpose of incorporating the amendment
18 made by this act to section 775.21, Florida Statutes, in a
19 reference thereto, paragraph (a) of subsection (3) of section
20 39.0139, Florida Statutes, is reenacted to read:

21 39.0139 Visitation or other contact; restrictions.—

22 (3) PRESUMPTION OF DETRIMENT.—

23 (a) A rebuttable presumption of detriment to a child is
24 created when:

25 1. A court of competent jurisdiction has found probable
26 cause exists that a parent or caregiver has sexually abused a
27 child as defined in s. 39.01;

28 2. A parent or caregiver has been found guilty of,
29 regardless of adjudication, or has entered a plea of guilty or
30 nolo contendere to, charges under the following statutes or
31 substantially similar statutes of other jurisdictions:

32 a. Section 787.04, relating to removing minors from the
33 state or concealing minors contrary to court order;

34 b. Section 794.011, relating to sexual battery;

35 c. Section 798.02, relating to lewd and lascivious
36 behavior;

37 d. Chapter 800, relating to lewdness and indecent exposure;

38 e. Section 826.04, relating to incest; or

39 f. Chapter 827, relating to the abuse of children; or

40 3. A court of competent jurisdiction has determined a



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41 parent or caregiver to be a sexual predator as defined in s.
42 775.21 or a parent or caregiver has received a substantially
43 similar designation under laws of another jurisdiction.

44 Section 5. For the purpose of incorporating the amendment
45 made by this act to section 775.21, Florida Statutes, in a
46 reference thereto, paragraph (b) of subsection (6) of section
47 39.509, Florida Statutes, is reenacted to read:

48 39.509 Grandparents rights.—Notwithstanding any other
49 provision of law, a maternal or paternal grandparent as well as
50 a stepgrandparent is entitled to reasonable visitation with his
51 or her grandchild who has been adjudicated a dependent child and
52 taken from the physical custody of the parent unless the court
53 finds that such visitation is not in the best interest of the
54 child or that such visitation would interfere with the goals of
55 the case plan. Reasonable visitation may be unsupervised and,
56 where appropriate and feasible, may be frequent and continuing.
57 Any order for visitation or other contact must conform to the
58 provisions of s. 39.0139.

59 (6) In determining whether grandparental visitation is not
60 in the child's best interest, consideration may be given to the
61 following:

62 (b) The designation by a court as a sexual predator as
63 defined in s. 775.21 or a substantially similar designation
64 under laws of another jurisdiction.

65 Section 6. For the purpose of incorporating the amendment
66 made by this act to section 775.21, Florida Statutes, in
67 references thereto, paragraphs (d) and (n) of subsection (1) of
68 section 39.806, Florida Statutes, are reenacted to read:

69 39.806 Grounds for termination of parental rights.—



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70 (1) Grounds for the termination of parental rights may be
71 established under any of the following circumstances:

72 (d) When the parent of a child is incarcerated and either:

73 1. The period of time for which the parent is expected to
74 be incarcerated will constitute a significant portion of the
75 child's minority. When determining whether the period of time is
76 significant, the court shall consider the child's age and the
77 child's need for a permanent and stable home. The period of time
78 begins on the date that the parent enters into incarceration;

79 2. The incarcerated parent has been determined by the court
80 to be a violent career criminal as defined in s. 775.084, a
81 habitual violent felony offender as defined in s. 775.084, or a
82 sexual predator as defined in s. 775.21; has been convicted of
83 first degree or second degree murder in violation of s. 782.04
84 or a sexual battery that constitutes a capital, life, or first
85 degree felony violation of s. 794.011; or has been convicted of
86 an offense in another jurisdiction which is substantially
87 similar to one of the offenses listed in this paragraph. As used
88 in this section, the term "substantially similar offense" means
89 any offense that is substantially similar in elements and
90 penalties to one of those listed in this subparagraph, and that
91 is in violation of a law of any other jurisdiction, whether that
92 of another state, the District of Columbia, the United States or
93 any possession or territory thereof, or any foreign
94 jurisdiction; or

95 3. The court determines by clear and convincing evidence
96 that continuing the parental relationship with the incarcerated
97 parent would be harmful to the child and, for this reason, that
98 termination of the parental rights of the incarcerated parent is



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99 in the best interest of the child. When determining harm, the
100 court shall consider the following factors:

101 a. The age of the child.

102 b. The relationship between the child and the parent.

103 c. The nature of the parent's current and past provision
104 for the child's developmental, cognitive, psychological, and
105 physical needs.

106 d. The parent's history of criminal behavior, which may
107 include the frequency of incarceration and the unavailability of
108 the parent to the child due to incarceration.

109 e. Any other factor the court deems relevant.

110 (n) The parent is convicted of an offense that requires the
111 parent to register as a sexual predator under s. 775.21.

112 Section 7. For the purpose of incorporating the amendment
113 made by this act to section 775.21, Florida Statutes, in a
114 reference thereto, paragraph (c) of subsection (9) of section
115 61.13, Florida Statutes, is reenacted to read:

116 61.13 Support of children; parenting and time-sharing;
117 powers of court.—

118 (9)

119 (c) A court may not order visitation at a recovery
120 residence if any resident of the recovery residence is currently
121 required to register as a sexual predator under s. 775.21 or as
122 a sexual offender under s. 943.0435.

123 Section 8. For the purpose of incorporating the amendment
124 made by this act to section 775.21, Florida Statutes, in a
125 reference thereto, paragraph (b) of subsection (4) of section
126 63.089, Florida Statutes, is reenacted to read:

127 63.089 Proceeding to terminate parental rights pending



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128 adoption; hearing; grounds; dismissal of petition; judgment.—

129 (4) FINDING OF ABANDONMENT.—A finding of abandonment
130 resulting in a termination of parental rights must be based upon
131 clear and convincing evidence that a parent or person having
132 legal custody has abandoned the child in accordance with the
133 definition contained in s. 63.032. A finding of abandonment may
134 also be based upon emotional abuse or a refusal to provide
135 reasonable financial support, when able, to a birth mother
136 during her pregnancy or on whether the person alleged to have
137 abandoned the child, while being able, failed to establish
138 contact with the child or accept responsibility for the child's
139 welfare.

140 (b) The child has been abandoned when the parent of a child
141 is incarcerated on or after October 1, 2001, in a federal,
142 state, or county correctional institution and:

143 1. The period of time for which the parent has been or is
144 expected to be incarcerated will constitute a significant
145 portion of the child's minority. In determining whether the
146 period of time is significant, the court shall consider the
147 child's age and the child's need for a permanent and stable
148 home. The period of time begins on the date that the parent
149 enters into incarceration;

150 2. The incarcerated parent has been determined by a court
151 of competent jurisdiction to be a violent career criminal as
152 defined in s. 775.084, a habitual violent felony offender as
153 defined in s. 775.084, convicted of child abuse as defined in s.
154 827.03, or a sexual predator as defined in s. 775.21; has been
155 convicted of first degree or second degree murder in violation
156 of s. 782.04 or a sexual battery that constitutes a capital,



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157 life, or first degree felony violation of s. 794.011; or has
158 been convicted of a substantially similar offense in another
159 jurisdiction. As used in this section, the term "substantially
160 similar offense" means any offense that is substantially similar
161 in elements and penalties to one of those listed in this
162 subparagraph, and that is in violation of a law of any other
163 jurisdiction, whether that of another state, the District of
164 Columbia, the United States or any possession or territory
165 thereof, or any foreign jurisdiction; or

166 3. The court determines by clear and convincing evidence
167 that continuing the parental relationship with the incarcerated
168 parent would be harmful to the child and, for this reason,
169 termination of the parental rights of the incarcerated parent is
170 in the best interests of the child.

171 Section 9. For the purpose of incorporating the amendment
172 made by this act to section 775.21, Florida Statutes, in a
173 reference thereto, subsection (3) of section 63.092, Florida
174 Statutes, is reenacted to read:

175 63.092 Report to the court of intended placement by an
176 adoption entity; at-risk placement; preliminary study.—

177 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
178 intended adoptive home, a preliminary home study must be
179 performed by a licensed child-placing agency, a child-caring
180 agency registered under s. 409.176, a licensed professional, or
181 an agency described in s. 61.20(2), unless the adoptee is an
182 adult or the petitioner is a stepparent or a relative. If the
183 adoptee is an adult or the petitioner is a stepparent or a
184 relative, a preliminary home study may be required by the court
185 for good cause shown. The department is required to perform the



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186 preliminary home study only if there is no licensed child-
187 placing agency, child-caring agency registered under s. 409.176,
188 licensed professional, or agency described in s. 61.20(2), in
189 the county where the prospective adoptive parents reside. The
190 preliminary home study must be made to determine the suitability
191 of the intended adoptive parents and may be completed before
192 identification of a prospective adoptive minor. If the
193 identified prospective adoptive minor is in the custody of the
194 department, a preliminary home study must be completed within 30
195 days after it is initiated. A favorable preliminary home study
196 is valid for 1 year after the date of its completion. Upon its
197 completion, a signed copy of the home study must be provided to
198 the intended adoptive parents who were the subject of the home
199 study. A minor may not be placed in an intended adoptive home
200 before a favorable preliminary home study is completed unless
201 the adoptive home is also a licensed foster home under s.
202 409.175. The preliminary home study must include, at a minimum:
203 (a) An interview with the intended adoptive parents.
204 (b) Records checks of the department's central abuse
205 registry, which the department shall provide to the entity
206 conducting the preliminary home study, and criminal records
207 correspondence checks under s. 39.0138 through the Department of
208 Law Enforcement on the intended adoptive parents.
209 (c) An assessment of the physical environment of the home.
210 (d) A determination of the financial security of the
211 intended adoptive parents.
212 (e) Documentation of counseling and education of the
213 intended adoptive parents on adoptive parenting, as determined
214 by the entity conducting the preliminary home study. The



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215 training specified in s. 409.175(14) shall only be required for
216 persons who adopt children from the department.

217 (f) Documentation that information on adoption and the
218 adoption process has been provided to the intended adoptive
219 parents.

220 (g) Documentation that information on support services
221 available in the community has been provided to the intended
222 adoptive parents.

223 (h) A copy of each signed acknowledgment of receipt of
224 disclosure required by s. 63.085.

225
226 If the preliminary home study is favorable, a minor may be
227 placed in the home pending entry of the judgment of adoption. A
228 minor may not be placed in the home if the preliminary home
229 study is unfavorable. If the preliminary home study is
230 unfavorable, the adoption entity may, within 20 days after
231 receipt of a copy of the written recommendation, petition the
232 court to determine the suitability of the intended adoptive
233 home. A determination as to suitability under this subsection
234 does not act as a presumption of suitability at the final
235 hearing. In determining the suitability of the intended adoptive
236 home, the court must consider the totality of the circumstances
237 in the home. A minor may not be placed in a home in which there
238 resides any person determined by the court to be a sexual
239 predator as defined in s. 775.21 or to have been convicted of an
240 offense listed in s. 63.089(4)(b)2.

241 Section 10. For the purpose of incorporating the amendment
242 made by this act to section 775.21, Florida Statutes, in
243 references thereto, paragraph (i) of subsection (3) and



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244 subsection (6) of section 68.07, Florida Statutes, are reenacted
245 to read:

246 68.07 Change of name.—

247 (3) Each petition shall be verified and show:

248 (i) Whether the petitioner has ever been required to
249 register as a sexual predator under s. 775.21 or as a sexual
250 offender under s. 943.0435.

251 (6) The clerk of the court must, within 5 business days
252 after the filing of the final judgment, send a report of the
253 judgment to the Department of Law Enforcement on a form to be
254 furnished by that department. If the petitioner is required to
255 register as a sexual predator or a sexual offender pursuant to
256 s. 775.21 or s. 943.0435, the clerk of court shall
257 electronically notify the Department of Law Enforcement of the
258 name change, in a manner prescribed by that department, within 2
259 business days after the filing of the final judgment. The
260 Department of Law Enforcement must send a copy of the report to
261 the Department of Highway Safety and Motor Vehicles, which may
262 be delivered by electronic transmission. The report must contain
263 sufficient information to identify the petitioner, including the
264 results of the criminal history records check if applicable, the
265 new name of the petitioner, and the file number of the judgment.
266 The Department of Highway Safety and Motor Vehicles shall
267 monitor the records of any sexual predator or sexual offender
268 whose name has been provided to it by the Department of Law
269 Enforcement. If the sexual predator or sexual offender does not
270 obtain a replacement driver license or identification card
271 within the required time as specified in s. 775.21 or s.
272 943.0435, the Department of Highway Safety and Motor Vehicles



273 shall notify the Department of Law Enforcement. The Department
274 of Law Enforcement shall notify applicable law enforcement
275 agencies of the predator's or offender's failure to comply with
276 registration requirements. Any information retained by the
277 Department of Law Enforcement and the Department of Highway
278 Safety and Motor Vehicles may be revised or supplemented by said
279 departments to reflect changes made by the final judgment. With
280 respect to a person convicted of a felony in another state or of
281 a federal offense, the Department of Law Enforcement must send
282 the report to the respective state's office of law enforcement
283 records or to the office of the Federal Bureau of Investigation.
284 The Department of Law Enforcement may forward the report to any
285 other law enforcement agency it believes may retain information
286 related to the petitioner.

287 Section 11. For the purpose of incorporating the amendment
288 made by this act to section 775.21, Florida Statutes, in a
289 reference thereto, paragraph (b) of subsection (1) of section
290 92.55, Florida Statutes, is reenacted to read:

291 92.55 Special protections in proceedings involving victim
292 or witness under 18, person with intellectual disability, or
293 sexual offense victim.—

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

295 (b) "Sexual offense" means any offense specified in s.
296 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

297 Section 12. For the purpose of incorporating the amendment
298 made by this act to section 775.21, Florida Statutes, in a
299 reference thereto, subsection (4) of section 320.02, Florida
300 Statutes, is reenacted to read:

301 320.02 Registration required; application for registration;



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302 forms.—

303 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
304 944.607, and 985.4815, the owner of any motor vehicle registered
305 in the state shall notify the department in writing of any
306 change of address within 30 days of such change. The
307 notification shall include the registration license plate
308 number, the vehicle identification number (VIN) or title
309 certificate number, year of vehicle make, and the owner's full
310 name.

311 Section 13. For the purpose of incorporating the amendment
312 made by this act to section 775.21, Florida Statutes, in
313 references thereto, subsection (3) of section 322.141, Florida
314 Statutes, is reenacted to read:

315 322.141 Color or markings of certain licenses or
316 identification cards.—

317 (3) All licenses for the operation of motor vehicles or
318 identification cards originally issued or reissued by the
319 department to persons who are designated as sexual predators
320 under s. 775.21 or subject to registration as sexual offenders
321 under s. 943.0435 or s. 944.607, or who have a similar
322 designation or are subject to a similar registration under the
323 laws of another jurisdiction, shall have on the front of the
324 license or identification card the following:

325 (a) For a person designated as a sexual predator under s.
326 775.21 or who has a similar designation under the laws of
327 another jurisdiction, the marking "SEXUAL PREDATOR."

328 (b) For a person subject to registration as a sexual
329 offender under s. 943.0435 or s. 944.607, or subject to a
330 similar registration under the laws of another jurisdiction, the



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331 marking "943.0435, F.S."

332 Section 14. For the purpose of incorporating the amendment
333 made by this act to section 775.21, Florida Statutes, in
334 references thereto, subsections (1) and (2) of section 322.19,
335 Florida Statutes, are reenacted to read:

336 322.19 Change of address or name.—

337 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
338 944.607, and 985.4815, whenever any person, after applying for
339 or receiving a driver license or identification card, changes
340 his or her legal name, that person must within 30 days
341 thereafter obtain a replacement license or card that reflects
342 the change.

343 (2) If a person, after applying for or receiving a driver
344 license or identification card, changes the legal residence or
345 mailing address in the application, license, or card, the person
346 must, within 30 calendar days after making the change, obtain a
347 replacement license or card that reflects the change. A written
348 request to the department must include the old and new addresses
349 and the driver license or identification card number. Any person
350 who has a valid, current student identification card issued by
351 an educational institution in this state is presumed not to have
352 changed his or her legal residence or mailing address. This
353 subsection does not affect any person required to register a
354 permanent or temporary address change pursuant to s. 775.13, s.
355 775.21, s. 775.25, or s. 943.0435.

356 Section 15. For the purpose of incorporating the amendment
357 made by this act to section 775.21, Florida Statutes, in a
358 reference thereto, paragraph (b) of subsection (10) of section
359 397.487, Florida Statutes, is reenacted to read:



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360 397.487 Voluntary certification of recovery residences.-
361 (10)

362 (b) A certified recovery residence may not allow a minor
363 child to visit a parent who is a resident of the recovery
364 residence at any time if any resident of the recovery residence
365 is currently required to register as a sexual predator under s.
366 775.21 or as a sexual offender under s. 943.0435.

367 Section 16. For the purpose of incorporating the amendment
368 made by this act to section 775.21, Florida Statutes, in a
369 reference thereto, paragraph (b) of subsection (3) of section
370 455.213, Florida Statutes, is reenacted to read:

371 455.213 General licensing provisions.-
372 (3)

373 (b)1. A conviction, or any other adjudication, for a crime
374 more than 5 years before the date the application is received by
375 the applicable board may not be grounds for denial of a license
376 specified in paragraph (a). For purposes of this paragraph, the
377 term "conviction" means a determination of guilt that is the
378 result of a plea or trial, regardless of whether adjudication is
379 withheld. This paragraph does not limit the applicable board
380 from considering an applicant's criminal history that includes a
381 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
382 only if such criminal history has been found to relate to the
383 practice of the applicable profession.

384 2. The applicable board may consider the criminal history
385 of an applicant for licensure under subparagraph (a)3. if such
386 criminal history has been found to relate to good moral
387 character.

388 Section 17. For the purpose of incorporating the amendment



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389 made by this act to section 775.21, Florida Statutes, in a
390 reference thereto, subsection (7) of section 489.553, Florida
391 Statutes, is reenacted to read:

392 489.553 Administration of part; registration
393 qualifications; examination.—

394 (7) Notwithstanding any other law, a conviction, or any
395 other adjudication, for a crime more than 5 years before the
396 date the application is received by the department or other
397 applicable authority may not be grounds for denial of
398 registration. For purposes of this subsection, the term
399 “conviction” means a determination of guilt that is the result
400 of a plea or trial, regardless of whether adjudication is
401 withheld. This subsection does not limit a board from
402 considering an applicant’s criminal history that includes any
403 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
404 only if such criminal history has been found to relate to the
405 practice of the applicable profession, or any crime if it has
406 been found to relate to good moral character.

407 Section 18. For the purpose of incorporating the amendment
408 made by this act to section 775.21, Florida Statutes, in a
409 reference thereto, subsection (9) of section 507.07, Florida
410 Statutes, is reenacted to read:

411 507.07 Violations.—It is a violation of this chapter:

412 (9) For a mover or a moving broker to knowingly refuse or
413 fail to disclose in writing to a customer before a household
414 move that the mover, or an employee or subcontractor of the
415 mover or moving broker, who has access to the dwelling or
416 property of the customer, including access to give a quote for
417 the move, has been convicted of a felony listed in s.



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418 775.21(4)(a)1. or convicted of a similar offense of another
419 jurisdiction, regardless of when such felony offense was
420 committed.

421

422 ===== T I T L E A M E N D M E N T =====

423 And the title is amended as follows:

424 Delete line 9

425 and insert:

426 as a sexual predator; reenacting ss. 16.713(1)(c),
427 39.0139(3)(a), 39.509(6)(b), 39.806(1)(d) and (n),
428 61.13(9)(c), 63.089(4)(b), 63.092(3), 68.07(3)(i) and
429 (6), 92.55(1)(b), 320.02(4), 322.141(3), 322.19(1) and
430 (2), 397.487(10)(b), 455.213(3)(b), 489.553(7), and
431 507.07(9), F.S., relating to the Florida Gaming
432 Control Commission's appointment and employment
433 restrictions, child visitation or other contact,
434 grandparents' rights, grounds for termination of
435 parental rights, support of children, proceedings to
436 terminate parental rights pending adoption, report to
437 the court of intended placement by an adoption entity,
438 change of name, special protections in proceedings
439 involving a victim or witness under 18, a person with
440 intellectual disability, or a sexual offense victim,
441 change of address on motor vehicle registration
442 required, color or markings of certain licenses or
443 identification cards, change of address or name on
444 driver license or identification card, voluntary
445 certification of recovery residences, general
446 licensing provisions, administration of part III of



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447 ch. 489, F.S., and violations of ch. 507, F.S.,
448 respectively, to incorporate the amendments made to s.
449 775.21, F.S., in references thereto; providing an
450 effective date.