

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Baker offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 94 and 95, insert:

5 Section 3. For the purpose of incorporating the amendment  
6 made by this act to section 775.21, Florida Statutes, in a  
7 reference thereto, paragraph (c) of subsection (1) of section  
8 16.713, Florida Statutes, is reenacted to read:

9 16.713 Florida Gaming Control Commission; appointment and  
10 employment restrictions.—

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

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

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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  
38 exposure;

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39 e. Section 826.04, relating to incest; or

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

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

45 Section 5. For the purpose of incorporating the amendment  
46 made by this act to section 775.21, Florida Statutes, in a  
47 reference thereto, paragraph (b) of subsection (6) of section  
48 39.509, Florida Statutes, is reenacted to read:

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

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

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

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

70 39.806 Grounds for termination of parental rights.—

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

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

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

80 2. The incarcerated parent has been determined by the  
81 court to be a violent career criminal as defined in s. 775.084,  
82 a habitual violent felony offender as defined in s. 775.084, or  
83 a sexual predator as defined in s. 775.21; has been convicted of  
84 first degree or second degree murder in violation of s. 782.04  
85 or a sexual battery that constitutes a capital, life, or first  
86 degree felony violation of s. 794.011; or has been convicted of  
87 an offense in another jurisdiction which is substantially

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88 similar to one of the offenses listed in this paragraph. As used  
89 in this section, the term "substantially similar offense" means  
90 any offense that is substantially similar in elements and  
91 penalties to one of those listed in this subparagraph, and that  
92 is in violation of a law of any other jurisdiction, whether that  
93 of another state, the District of Columbia, the United States or  
94 any possession or territory thereof, or any foreign  
95 jurisdiction; or

96 3. The court determines by clear and convincing evidence  
97 that continuing the parental relationship with the incarcerated  
98 parent would be harmful to the child and, for this reason, that  
99 termination of the parental rights of the incarcerated parent is  
100 in the best interest of the child. When determining harm, the  
101 court shall consider the following factors:

102 a. The age of the child.

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

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

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

110 e. Any other factor the court deems relevant.

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

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113 Section 7. For the purpose of incorporating the amendment  
114 made by this act to section 775.21, Florida Statutes, in a  
115 reference thereto, paragraph (c) of subsection (9) of section  
116 61.13, Florida Statutes, is reenacted to read:

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

119 (9)

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

124 Section 8. For the purpose of incorporating the amendment  
125 made by this act to section 775.21, Florida Statutes, in a  
126 reference thereto, paragraph (b) of subsection (4) of section  
127 63.089, Florida Statutes, is reenacted to read:

128 63.089 Proceeding to terminate parental rights pending  
129 adoption; hearing; grounds; dismissal of petition; judgment.—

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

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138 abandoned the child, while being able, failed to establish  
139 contact with the child or accept responsibility for the child's  
140 welfare.

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

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

151 2. The incarcerated parent has been determined by a court  
152 of competent jurisdiction to be a violent career criminal as  
153 defined in s. 775.084, a habitual violent felony offender as  
154 defined in s. 775.084, convicted of child abuse as defined in s.  
155 827.03, or a sexual predator as defined in s. 775.21; has been  
156 convicted of first degree or second degree murder in violation  
157 of s. 782.04 or a sexual battery that constitutes a capital,  
158 life, or first degree felony violation of s. 794.011; or has  
159 been convicted of a substantially similar offense in another  
160 jurisdiction. As used in this section, the term "substantially  
161 similar offense" means any offense that is substantially similar  
162 in elements and penalties to one of those listed in this

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163 subparagraph, and that is in violation of a law of any other  
164 jurisdiction, whether that of another state, the District of  
165 Columbia, the United States or any possession or territory  
166 thereof, or any foreign jurisdiction; or

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

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

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

178 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
179 the intended adoptive home, a preliminary home study must be  
180 performed by a licensed child-placing agency, a child-caring  
181 agency registered under s. 409.176, a licensed professional, or  
182 an agency described in s. 61.20(2), unless the adoptee is an  
183 adult or the petitioner is a stepparent or a relative. If the  
184 adoptee is an adult or the petitioner is a stepparent or a  
185 relative, a preliminary home study may be required by the court  
186 for good cause shown. The department is required to perform the  
187 preliminary home study only if there is no licensed child-

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188 placing agency, child-caring agency registered under s. 409.176,  
189 licensed professional, or agency described in s. 61.20(2), in  
190 the county where the prospective adoptive parents reside. The  
191 preliminary home study must be made to determine the suitability  
192 of the intended adoptive parents and may be completed before  
193 identification of a prospective adoptive minor. If the  
194 identified prospective adoptive minor is in the custody of the  
195 department, a preliminary home study must be completed within 30  
196 days after it is initiated. A favorable preliminary home study  
197 is valid for 1 year after the date of its completion. Upon its  
198 completion, a signed copy of the home study must be provided to  
199 the intended adoptive parents who were the subject of the home  
200 study. A minor may not be placed in an intended adoptive home  
201 before a favorable preliminary home study is completed unless  
202 the adoptive home is also a licensed foster home under s.  
203 409.175. The preliminary home study must include, at a minimum:  
204 (a) An interview with the intended adoptive parents.  
205 (b) Records checks of the department's central abuse  
206 registry, which the department shall provide to the entity  
207 conducting the preliminary home study, and criminal records  
208 correspondence checks under s. 39.0138 through the Department of  
209 Law Enforcement on the intended adoptive parents.  
210 (c) An assessment of the physical environment of the home.  
211 (d) A determination of the financial security of the  
212 intended adoptive parents.

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213 (e) Documentation of counseling and education of the  
214 intended adoptive parents on adoptive parenting, as determined  
215 by the entity conducting the preliminary home study. The  
216 training specified in s. 409.175(14) shall only be required for  
217 persons who adopt children from the department.

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

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

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

226  
227 If the preliminary home study is favorable, a minor may be  
228 placed in the home pending entry of the judgment of adoption. A  
229 minor may not be placed in the home if the preliminary home  
230 study is unfavorable. If the preliminary home study is  
231 unfavorable, the adoption entity may, within 20 days after  
232 receipt of a copy of the written recommendation, petition the  
233 court to determine the suitability of the intended adoptive  
234 home. A determination as to suitability under this subsection  
235 does not act as a presumption of suitability at the final  
236 hearing. In determining the suitability of the intended adoptive  
237 home, the court must consider the totality of the circumstances

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238 in the home. A minor may not be placed in a home in which there  
239 resides any person determined by the court to be a sexual  
240 predator as defined in s. 775.21 or to have been convicted of an  
241 offense listed in s. 63.089(4)(b)2.

242 Section 10. For the purpose of incorporating the amendment  
243 made by this act to section 775.21, Florida Statutes, in a  
244 reference thereto, paragraph (i) of subsection (3) and  
245 subsection (6) of section 68.07, Florida Statutes, are reenacted  
246 to read:

247 68.07 Change of name.—

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

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

252 (6) The clerk of the court must, within 5 business days  
253 after the filing of the final judgment, send a report of the  
254 judgment to the Department of Law Enforcement on a form to be  
255 furnished by that department. If the petitioner is required to  
256 register as a sexual predator or a sexual offender pursuant to  
257 s. 775.21 or s. 943.0435, the clerk of court shall  
258 electronically notify the Department of Law Enforcement of the  
259 name change, in a manner prescribed by that department, within 2  
260 business days after the filing of the final judgment. The  
261 Department of Law Enforcement must send a copy of the report to  
262 the Department of Highway Safety and Motor Vehicles, which may

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263 be delivered by electronic transmission. The report must contain  
264 sufficient information to identify the petitioner, including the  
265 results of the criminal history records check if applicable, the  
266 new name of the petitioner, and the file number of the judgment.  
267 The Department of Highway Safety and Motor Vehicles shall  
268 monitor the records of any sexual predator or sexual offender  
269 whose name has been provided to it by the Department of Law  
270 Enforcement. If the sexual predator or sexual offender does not  
271 obtain a replacement driver license or identification card  
272 within the required time as specified in s. 775.21 or s.  
273 943.0435, the Department of Highway Safety and Motor Vehicles  
274 shall notify the Department of Law Enforcement. The Department  
275 of Law Enforcement shall notify applicable law enforcement  
276 agencies of the predator's or offender's failure to comply with  
277 registration requirements. Any information retained by the  
278 Department of Law Enforcement and the Department of Highway  
279 Safety and Motor Vehicles may be revised or supplemented by said  
280 departments to reflect changes made by the final judgment. With  
281 respect to a person convicted of a felony in another state or of  
282 a federal offense, the Department of Law Enforcement must send  
283 the report to the respective state's office of law enforcement  
284 records or to the office of the Federal Bureau of Investigation.  
285 The Department of Law Enforcement may forward the report to any  
286 other law enforcement agency it believes may retain information  
287 related to the petitioner.

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288 Section 11. For the purpose of incorporating the amendment  
289 made by this act to section 775.21, Florida Statutes, in a  
290 reference thereto, paragraph (b) of subsection (1) of section  
291 92.55, Florida Statutes, is reenacted to read:

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

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

296 (b) "Sexual offense" means any offense specified in s.  
297 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

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

302 320.02 Registration required; application for  
303 registration; forms.—

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

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

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

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

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

329 (b) For a person subject to registration as a sexual  
330 offender under s. 943.0435 or s. 944.607, or subject to a  
331 similar registration under the laws of another jurisdiction, the  
332 marking "943.0435, F.S."

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

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337 322.19 Change of address or name.—

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

344 (2) If a person, after applying for or receiving a driver  
345 license or identification card, changes the legal residence or  
346 mailing address in the application, license, or card, the person  
347 must, within 30 calendar days after making the change, obtain a  
348 replacement license or card that reflects the change. A written  
349 request to the department must include the old and new addresses  
350 and the driver license or identification card number. Any person  
351 who has a valid, current student identification card issued by  
352 an educational institution in this state is presumed not to have  
353 changed his or her legal residence or mailing address. This  
354 subsection does not affect any person required to register a  
355 permanent or temporary address change pursuant to s. 775.13, s.  
356 775.21, s. 775.25, or s. 943.0435.

357 Section 15. For the purpose of incorporating the amendment  
358 made by this act to section 775.21, Florida Statutes, in a  
359 reference thereto, paragraph (b) of subsection (10) of section  
360 397.487, Florida Statutes, is reenacted to read:

361 397.487 Voluntary certification of recovery residences.—

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362 (10)

363 (b) A certified recovery residence may not allow a minor  
364 child to visit a parent who is a resident of the recovery  
365 residence at any time if any resident of the recovery residence  
366 is currently required to register as a sexual predator under s.  
367 775.21 or as a sexual offender under s. 943.0435.

368 Section 16. For the purpose of incorporating the amendment  
369 made by this act to section 775.21, Florida Statutes, in a  
370 reference thereto, paragraph (b) of subsection (3) of section  
371 455.213, Florida Statutes, is reenacted to read:

372 455.213 General licensing provisions.—

373 (3)

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

385 2. The applicable board may consider the criminal history  
386 of an applicant for licensure under subparagraph (a)3. if such

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387 criminal history has been found to relate to good moral  
388 character.

389 Section 17. For the purpose of incorporating the amendment  
390 made by this act to section 775.21, Florida Statutes, in a  
391 reference thereto, subsection (7) of section 489.553, Florida  
392 Statutes, is reenacted to read:

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

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

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

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412 507.07 Violations.—It is a violation of this chapter:  
413 (9) For a mover or a moving broker to knowingly refuse or  
414 fail to disclose in writing to a customer before a household  
415 move that the mover, or an employee or subcontractor of the  
416 mover or moving broker, who has access to the dwelling or  
417 property of the customer, including access to give a quote for  
418 the move, has been convicted of a felony listed in s.  
419 775.21(4) (a)1. or convicted of a similar offense of another  
420 jurisdiction, regardless of when such felony offense was  
421 committed.

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**T I T L E A M E N D M E N T**

426

Remove line 9 and insert:

427

as a sexual predator; reenacting ss. 16.713(1)(c),

428

39.0139(3)(a), 39.509(6)(b), 39.806(1)(d) and (n),

429

61.13(9)(c), 63.089(4)(b), 63.092(3), 68.07(3)(i) and (6),

430

92.55(1)(b), 320.02(4), 322.141(3), 322.19(1) and (2),

431

397.487(10)(b), 455.213(3)(b), 489.553(7), and 507.07(9),

432

F.S., relating to the Florida Gaming Control Commission's

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appointment and employment restrictions, child visitation

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or other contact, grandparents rights, grounds for

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termination of parental rights, support of children,

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proceedings to terminate parental rights pending adoption,

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437 | report to the court of intended placement by an adoption  
438 | entity, change of name, special protections in proceedings  
439 | involving victim or witness under 18, person with  
440 | intellectual disability, or sexual offense victim,  
441 | registration required, color or markings of certain  
442 | licenses or identification cards, change of address or  
443 | name, voluntary certification of recovery residences,  
444 | general licensing provisions, administration of part III of  
445 | ch. 489, F.S., and violations of ch. 507, F.S.,  
446 | respectively, to incorporate amendments made by the act;  
447 | providing an effective date.

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