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CS/HB 305, Engrossed 1

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1
 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; reenacting ss. 16.713(1)(c),
 10 39.0139(3)(a), 39.509(6)(b), 39.806(1)(d) and (n),
 11 61.13(9)(c), 63.089(4)(b), 63.092(3), 68.07(3)(i) and
 12 (6), 92.55(1)(b), 320.02(4), 322.141(3), 322.19(1) and
 13 (2), 397.487(10)(b), 455.213(3)(b), 489.553(7), and
 14 507.07(9), F.S., relating to the Florida Gaming
 15 Control Commission's appointment and employment
 16 restrictions, child visitation or other contact,
 17 grandparents rights, grounds for termination of
 18 parental rights, support of children, proceedings to
 19 terminate parental rights pending adoption, report to
 20 the court of intended placement by an adoption entity,
 21 change of name, special protections in proceedings
 22 involving victim or witness under 18, person with
 23 intellectual disability, or sexual offense victim,
 24 registration required, color or markings of certain
 25 licenses or identification cards, change of address or

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26 name, voluntary certification of recovery residences,
 27 general licensing provisions, administration of part
 28 III of ch. 489, F.S., and violations of ch. 507, F.S.,
 29 respectively, to incorporate amendments made by the
 30 act; providing an effective date.

31

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

33

34 Section 1. Paragraph (a) of subsection (23) of section
 35 90.803, Florida Statutes, is amended to read:

36 90.803 Hearsay exceptions; availability of declarant
 37 immaterial.—The provision of s. 90.802 to the contrary
 38 notwithstanding, the following are not inadmissible as evidence,
 39 even though the declarant is available as a witness:

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

41 (a) Unless the source of information or the method or
 42 circumstances by which the statement is reported indicates a
 43 lack of trustworthiness, an out-of-court statement made by a
 44 child victim with a physical, mental, emotional, or
 45 developmental age of 17 ~~16~~ or less describing any act of child
 46 abuse or neglect, any act of sexual abuse against a child, the
 47 offense of child abuse, the offense of aggravated child abuse,
 48 or any offense involving an unlawful sexual act, contact,
 49 intrusion, or penetration performed in the presence of, with,
 50 by, or on the declarant child, not otherwise admissible, is

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51 | admissible in evidence in any civil or criminal proceeding if:

52 | 1. The court finds in a hearing conducted outside the
 53 | presence of the jury that the time, content, and circumstances
 54 | of the statement provide sufficient safeguards of reliability.
 55 | In making its determination, the court may consider the mental
 56 | and physical age and maturity of the child, the nature and
 57 | duration of the abuse or offense, the relationship of the child
 58 | to the offender, the reliability of the assertion, the
 59 | reliability of the child victim, and any other factor deemed
 60 | appropriate; and

61 | 2. The child either:

62 | a. Testifies; or

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

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

69 | Section 2. Paragraph (a) of subsection (4) of section
 70 | 775.21, Florida Statutes, is amended to read:

71 | 775.21 The Florida Sexual Predators Act.—

72 | (4) SEXUAL PREDATOR CRITERIA.—

73 | (a) For a current offense committed on or after October 1,
 74 | 1993, upon conviction, an offender shall be designated as a
 75 | "sexual predator" under subsection (5), and subject to

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76 registration under subsection (6) and community and public
 77 notification under subsection (7) if:
 78 1. The felony is:
 79 a. A capital, life, or first degree felony violation, or
 80 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 81 is a minor, or s. 787.06(3)(f) or (g), where the victim is a
 82 minor; s. 794.011, s. 800.04, or s. 847.0145, or a violation of
 83 a similar law of another jurisdiction; or
 84 b. Any felony violation, or any attempt thereof, of s.
 85 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 86 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 87 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 88 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 89 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
 90 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
 91 the court makes a written finding that the racketeering activity
 92 involved at least one sexual offense listed in this sub-
 93 subparagraph or at least one offense listed in this sub-
 94 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
 95 985.701(1); or a violation of a similar law of another
 96 jurisdiction, and the offender has previously been convicted of
 97 or found to have committed, or has pled nolo contendere or
 98 guilty to, regardless of adjudication, any violation of s.
 99 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 100 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),

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101 (d), (f), or (g); former s. 787.06(3) (h); s. 794.011, excluding
 102 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 103 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 104 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
 105 makes a written finding that the racketeering activity involved
 106 at least one sexual offense listed in this sub-subparagraph or
 107 at least one offense listed in this sub-subparagraph with sexual
 108 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
 109 violation of a similar law of another jurisdiction;

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

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

116 Section 3. For the purpose of incorporating the amendment
 117 made by this act to section 775.21, Florida Statutes, in a
 118 reference thereto, paragraph (c) of subsection (1) of section
 119 16.713, Florida Statutes, is reenacted to read:

120 16.713 Florida Gaming Control Commission; appointment and
 121 employment restrictions.—

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

123 The following persons are ineligible for appointment to the
 124 commission:

125 (c) A person who has been convicted of or found guilty of

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126 or pled nolo contendere to, regardless of adjudication, in any
 127 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

128 Section 4. For the purpose of incorporating the amendment
 129 made by this act to section 775.21, Florida Statutes, in a
 130 reference thereto, paragraph (a) of subsection (3) of section
 131 39.0139, Florida Statutes, is reenacted to read:

132 39.0139 Visitation or other contact; restrictions.—

133 (3) PRESUMPTION OF DETRIMENT.—

134 (a) A rebuttable presumption of detriment to a child is
 135 created when:

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

139 2. A parent or caregiver has been found guilty of,
 140 regardless of adjudication, or has entered a plea of guilty or
 141 nolo contendere to, charges under the following statutes or
 142 substantially similar statutes of other jurisdictions:

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

145 b. Section 794.011, relating to sexual battery;

146 c. Section 798.02, relating to lewd and lascivious
 147 behavior;

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

150 e. Section 826.04, relating to incest; or

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151 f. Chapter 827, relating to the abuse of children; or
 152 3. A court of competent jurisdiction has determined a
 153 parent or caregiver to be a sexual predator as defined in s.
 154 775.21 or a parent or caregiver has received a substantially
 155 similar designation under laws of another jurisdiction.

156 Section 5. For the purpose of incorporating the amendment
 157 made by this act to section 775.21, Florida Statutes, in a
 158 reference thereto, paragraph (b) of subsection (6) of section
 159 39.509, Florida Statutes, is reenacted to read:

160 39.509 Grandparents rights.—Notwithstanding any other
 161 provision of law, a maternal or paternal grandparent as well as
 162 a stepgrandparent is entitled to reasonable visitation with his
 163 or her grandchild who has been adjudicated a dependent child and
 164 taken from the physical custody of the parent unless the court
 165 finds that such visitation is not in the best interest of the
 166 child or that such visitation would interfere with the goals of
 167 the case plan. Reasonable visitation may be unsupervised and,
 168 where appropriate and feasible, may be frequent and continuing.
 169 Any order for visitation or other contact must conform to the
 170 provisions of s. 39.0139.

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

174 (b) The designation by a court as a sexual predator as
 175 defined in s. 775.21 or a substantially similar designation

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176 | under laws of another jurisdiction.

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

181 | 39.806 Grounds for termination of parental rights.—

182 | (1) Grounds for the termination of parental rights may be
 183 | established under any of the following circumstances:

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

185 | 1. The period of time for which the parent is expected to
 186 | be incarcerated will constitute a significant portion of the
 187 | child's minority. When determining whether the period of time is
 188 | significant, the court shall consider the child's age and the
 189 | child's need for a permanent and stable home. The period of time
 190 | begins on the date that the parent enters into incarceration;

191 | 2. The incarcerated parent has been determined by the
 192 | court to be a violent career criminal as defined in s. 775.084, or
 193 | a habitual violent felony offender as defined in s. 775.084, or
 194 | a sexual predator as defined in s. 775.21; has been convicted of
 195 | first degree or second degree murder in violation of s. 782.04
 196 | or a sexual battery that constitutes a capital, life, or first
 197 | degree felony violation of s. 794.011; or has been convicted of
 198 | an offense in another jurisdiction which is substantially
 199 | similar to one of the offenses listed in this paragraph. As used
 200 | in this section, the term "substantially similar offense" means

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201 any offense that is substantially similar in elements and
 202 penalties to one of those listed in this subparagraph, and that
 203 is in violation of a law of any other jurisdiction, whether that
 204 of another state, the District of Columbia, the United States or
 205 any possession or territory thereof, or any foreign
 206 jurisdiction; or

207 3. The court determines by clear and convincing evidence
 208 that continuing the parental relationship with the incarcerated
 209 parent would be harmful to the child and, for this reason, that
 210 termination of the parental rights of the incarcerated parent is
 211 in the best interest of the child. When determining harm, the
 212 court shall consider the following factors:

- 213 a. The age of the child.
- 214 b. The relationship between the child and the parent.
- 215 c. The nature of the parent's current and past provision
 216 for the child's developmental, cognitive, psychological, and
 217 physical needs.
- 218 d. The parent's history of criminal behavior, which may
 219 include the frequency of incarceration and the unavailability of
 220 the parent to the child due to incarceration.
- 221 e. Any other factor the court deems relevant.

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

224 Section 7. For the purpose of incorporating the amendment
 225 made by this act to section 775.21, Florida Statutes, in a

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226 reference thereto, paragraph (c) of subsection (9) of section
 227 61.13, Florida Statutes, is reenacted to read:

228 61.13 Support of children; parenting and time-sharing;
 229 powers of court.—

230 (9)

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

235 Section 8. For the purpose of incorporating the amendment
 236 made by this act to section 775.21, Florida Statutes, in a
 237 reference thereto, paragraph (b) of subsection (4) of section
 238 63.089, Florida Statutes, is reenacted to read:

239 63.089 Proceeding to terminate parental rights pending
 240 adoption; hearing; grounds; dismissal of petition; judgment.—

241 (4) FINDING OF ABANDONMENT.—A finding of abandonment
 242 resulting in a termination of parental rights must be based upon
 243 clear and convincing evidence that a parent or person having
 244 legal custody has abandoned the child in accordance with the
 245 definition contained in s. 63.032. A finding of abandonment may
 246 also be based upon emotional abuse or a refusal to provide
 247 reasonable financial support, when able, to a birth mother
 248 during her pregnancy or on whether the person alleged to have
 249 abandoned the child, while being able, failed to establish
 250 contact with the child or accept responsibility for the child's

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251 welfare.

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

255 1. The period of time for which the parent has been or is
 256 expected to be incarcerated will constitute a significant
 257 portion of the child's minority. In determining whether the
 258 period of time is significant, the court shall consider the
 259 child's age and the child's need for a permanent and stable
 260 home. The period of time begins on the date that the parent
 261 enters into incarceration;

262 2. The incarcerated parent has been determined by a court
 263 of competent jurisdiction to be a violent career criminal as
 264 defined in s. 775.084, a habitual violent felony offender as
 265 defined in s. 775.084, convicted of child abuse as defined in s.
 266 827.03, or a sexual predator as defined in s. 775.21; has been
 267 convicted of first degree or second degree murder in violation
 268 of s. 782.04 or a sexual battery that constitutes a capital,
 269 life, or first degree felony violation of s. 794.011; or has
 270 been convicted of a substantially similar offense in another
 271 jurisdiction. As used in this section, the term "substantially
 272 similar offense" means any offense that is substantially similar
 273 in elements and penalties to one of those listed in this
 274 subparagraph, and that is in violation of a law of any other
 275 jurisdiction, whether that of another state, the District of

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276 Columbia, the United States or any possession or territory
 277 thereof, or any foreign jurisdiction; or

278 3. The court determines by clear and convincing evidence
 279 that continuing the parental relationship with the incarcerated
 280 parent would be harmful to the child and, for this reason,
 281 termination of the parental rights of the incarcerated parent is
 282 in the best interests of the child.

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

287 63.092 Report to the court of intended placement by an
 288 adoption entity; at-risk placement; preliminary study.—

289 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
 290 the intended adoptive home, a preliminary home study must be
 291 performed by a licensed child-placing agency, a child-caring
 292 agency registered under s. 409.176, a licensed professional, or
 293 an agency described in s. 61.20(2), unless the adoptee is an
 294 adult or the petitioner is a stepparent or a relative. If the
 295 adoptee is an adult or the petitioner is a stepparent or a
 296 relative, a preliminary home study may be required by the court
 297 for good cause shown. The department is required to perform the
 298 preliminary home study only if there is no licensed child-
 299 placing agency, child-caring agency registered under s. 409.176,
 300 licensed professional, or agency described in s. 61.20(2), in

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301 the county where the prospective adoptive parents reside. The
302 preliminary home study must be made to determine the suitability
303 of the intended adoptive parents and may be completed before
304 identification of a prospective adoptive minor. If the
305 identified prospective adoptive minor is in the custody of the
306 department, a preliminary home study must be completed within 30
307 days after it is initiated. A favorable preliminary home study
308 is valid for 1 year after the date of its completion. Upon its
309 completion, a signed copy of the home study must be provided to
310 the intended adoptive parents who were the subject of the home
311 study. A minor may not be placed in an intended adoptive home
312 before a favorable preliminary home study is completed unless
313 the adoptive home is also a licensed foster home under s.
314 409.175. The preliminary home study must include, at a minimum:

- 315 (a) An interview with the intended adoptive parents.
- 316 (b) Records checks of the department's central abuse
317 registry, which the department shall provide to the entity
318 conducting the preliminary home study, and criminal records
319 correspondence checks under s. 39.0138 through the Department of
320 Law Enforcement on the intended adoptive parents.
- 321 (c) An assessment of the physical environment of the home.
- 322 (d) A determination of the financial security of the
323 intended adoptive parents.
- 324 (e) Documentation of counseling and education of the
325 intended adoptive parents on adoptive parenting, as determined

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326 | by the entity conducting the preliminary home study. The
 327 | training specified in s. 409.175(14) shall only be required for
 328 | persons who adopt children from the department.

329 | (f) Documentation that information on adoption and the
 330 | adoption process has been provided to the intended adoptive
 331 | parents.

332 | (g) Documentation that information on support services
 333 | available in the community has been provided to the intended
 334 | adoptive parents.

335 | (h) A copy of each signed acknowledgment of receipt of
 336 | disclosure required by s. 63.085.

337 |
 338 | If the preliminary home study is favorable, a minor may be
 339 | placed in the home pending entry of the judgment of adoption. A
 340 | minor may not be placed in the home if the preliminary home
 341 | study is unfavorable. If the preliminary home study is
 342 | unfavorable, the adoption entity may, within 20 days after
 343 | receipt of a copy of the written recommendation, petition the
 344 | court to determine the suitability of the intended adoptive
 345 | home. A determination as to suitability under this subsection
 346 | does not act as a presumption of suitability at the final
 347 | hearing. In determining the suitability of the intended adoptive
 348 | home, the court must consider the totality of the circumstances
 349 | in the home. A minor may not be placed in a home in which there
 350 | resides any person determined by the court to be a sexual

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351 predator as defined in s. 775.21 or to have been convicted of an
 352 offense listed in s. 63.089(4)(b)2.

353 Section 10. For the purpose of incorporating the amendment
 354 made by this act to section 775.21, Florida Statutes, in a
 355 reference thereto, paragraph (i) of subsection (3) and
 356 subsection (6) of section 68.07, Florida Statutes, are reenacted
 357 to read:

358 68.07 Change of name.—

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

360 (i) Whether the petitioner has ever been required to
 361 register as a sexual predator under s. 775.21 or as a sexual
 362 offender under s. 943.0435.

363 (6) The clerk of the court must, within 5 business days
 364 after the filing of the final judgment, send a report of the
 365 judgment to the Department of Law Enforcement on a form to be
 366 furnished by that department. If the petitioner is required to
 367 register as a sexual predator or a sexual offender pursuant to
 368 s. 775.21 or s. 943.0435, the clerk of court shall
 369 electronically notify the Department of Law Enforcement of the
 370 name change, in a manner prescribed by that department, within 2
 371 business days after the filing of the final judgment. The
 372 Department of Law Enforcement must send a copy of the report to
 373 the Department of Highway Safety and Motor Vehicles, which may
 374 be delivered by electronic transmission. The report must contain
 375 sufficient information to identify the petitioner, including the

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376 results of the criminal history records check if applicable, the
377 new name of the petitioner, and the file number of the judgment.
378 The Department of Highway Safety and Motor Vehicles shall
379 monitor the records of any sexual predator or sexual offender
380 whose name has been provided to it by the Department of Law
381 Enforcement. If the sexual predator or sexual offender does not
382 obtain a replacement driver license or identification card
383 within the required time as specified in s. 775.21 or s.
384 943.0435, the Department of Highway Safety and Motor Vehicles
385 shall notify the Department of Law Enforcement. The Department
386 of Law Enforcement shall notify applicable law enforcement
387 agencies of the predator's or offender's failure to comply with
388 registration requirements. Any information retained by the
389 Department of Law Enforcement and the Department of Highway
390 Safety and Motor Vehicles may be revised or supplemented by said
391 departments to reflect changes made by the final judgment. With
392 respect to a person convicted of a felony in another state or of
393 a federal offense, the Department of Law Enforcement must send
394 the report to the respective state's office of law enforcement
395 records or to the office of the Federal Bureau of Investigation.
396 The Department of Law Enforcement may forward the report to any
397 other law enforcement agency it believes may retain information
398 related to the petitioner.

399 Section 11. For the purpose of incorporating the amendment
400 made by this act to section 775.21, Florida Statutes, in a

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401 reference thereto, paragraph (b) of subsection (1) of section
 402 92.55, Florida Statutes, is reenacted to read:

403 92.55 Special protections in proceedings involving victim
 404 or witness under 18, person with intellectual disability, or
 405 sexual offense victim.—

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

407 (b) "Sexual offense" means any offense specified in s.
 408 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

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

413 320.02 Registration required; application for
 414 registration; forms.—

415 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
 416 944.607, and 985.4815, the owner of any motor vehicle registered
 417 in the state shall notify the department in writing of any
 418 change of address within 30 days of such change. The
 419 notification shall include the registration license plate
 420 number, the vehicle identification number (VIN) or title
 421 certificate number, year of vehicle make, and the owner's full
 422 name.

423 Section 13. For the purpose of incorporating the amendment
 424 made by this act to section 775.21, Florida Statutes, in a
 425 reference thereto, subsection (3) of section 322.141, Florida

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426 Statutes, is reenacted to read:

427 322.141 Color or markings of certain licenses or
428 identification cards.—

429 (3) All licenses for the operation of motor vehicles or
430 identification cards originally issued or reissued by the
431 department to persons who are designated as sexual predators
432 under s. 775.21 or subject to registration as sexual offenders
433 under s. 943.0435 or s. 944.607, or who have a similar
434 designation or are subject to a similar registration under the
435 laws of another jurisdiction, shall have on the front of the
436 license or identification card the following:

437 (a) For a person designated as a sexual predator under s.
438 775.21 or who has a similar designation under the laws of
439 another jurisdiction, the marking "SEXUAL PREDATOR."

440 (b) For a person subject to registration as a sexual
441 offender under s. 943.0435 or s. 944.607, or subject to a
442 similar registration under the laws of another jurisdiction, the
443 marking "943.0435, F.S."

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

448 322.19 Change of address or name.—

449 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
450 944.607, and 985.4815, whenever any person, after applying for

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451 or receiving a driver license or identification card, changes
452 his or her legal name, that person must within 30 days
453 thereafter obtain a replacement license or card that reflects
454 the change.

455 (2) If a person, after applying for or receiving a driver
456 license or identification card, changes the legal residence or
457 mailing address in the application, license, or card, the person
458 must, within 30 calendar days after making the change, obtain a
459 replacement license or card that reflects the change. A written
460 request to the department must include the old and new addresses
461 and the driver license or identification card number. Any person
462 who has a valid, current student identification card issued by
463 an educational institution in this state is presumed not to have
464 changed his or her legal residence or mailing address. This
465 subsection does not affect any person required to register a
466 permanent or temporary address change pursuant to s. 775.13, s.
467 775.21, s. 775.25, or s. 943.0435.

468 Section 15. For the purpose of incorporating the amendment
469 made by this act to section 775.21, Florida Statutes, in a
470 reference thereto, paragraph (b) of subsection (10) of section
471 397.487, Florida Statutes, is reenacted to read:

472 397.487 Voluntary certification of recovery residences.—

473 (10)

474 (b) A certified recovery residence may not allow a minor
475 child to visit a parent who is a resident of the recovery

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476 residence at any time if any resident of the recovery residence
 477 is currently required to register as a sexual predator under s.
 478 775.21 or as a sexual offender under s. 943.0435.

479 Section 16. For the purpose of incorporating the amendment
 480 made by this act to section 775.21, Florida Statutes, in a
 481 reference thereto, paragraph (b) of subsection (3) of section
 482 455.213, Florida Statutes, is reenacted to read:

483 455.213 General licensing provisions.—

484 (3)

485 (b)1. A conviction, or any other adjudication, for a crime
 486 more than 5 years before the date the application is received by
 487 the applicable board may not be grounds for denial of a license
 488 specified in paragraph (a). For purposes of this paragraph, the
 489 term "conviction" means a determination of guilt that is the
 490 result of a plea or trial, regardless of whether adjudication is
 491 withheld. This paragraph does not limit the applicable board
 492 from considering an applicant's criminal history that includes a
 493 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
 494 only if such criminal history has been found to relate to the
 495 practice of the applicable profession.

496 2. The applicable board may consider the criminal history
 497 of an applicant for licensure under subparagraph (a)3. if such
 498 criminal history has been found to relate to good moral
 499 character.

500 Section 17. For the purpose of incorporating the amendment

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

504 489.553 Administration of part; registration
 505 qualifications; examination.—

506 (7) Notwithstanding any other law, a conviction, or any
 507 other adjudication, for a crime more than 5 years before the
 508 date the application is received by the department or other
 509 applicable authority may not be grounds for denial of
 510 registration. For purposes of this subsection, the term
 511 "conviction" means a determination of guilt that is the result
 512 of a plea or trial, regardless of whether adjudication is
 513 withheld. This subsection does not limit a board from
 514 considering an applicant's criminal history that includes any
 515 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
 516 only if such criminal history has been found to relate to the
 517 practice of the applicable profession, or any crime if it has
 518 been found to relate to good moral character.

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

523 507.07 Violations.—It is a violation of this chapter:

524 (9) For a mover or a moving broker to knowingly refuse or
 525 fail to disclose in writing to a customer before a household

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526 | move that the mover, or an employee or subcontractor of the
 527 | mover or moving broker, who has access to the dwelling or
 528 | property of the customer, including access to give a quote for
 529 | the move, has been convicted of a felony listed in s.
 530 | 775.21(4)(a)1. or convicted of a similar offense of another
 531 | jurisdiction, regardless of when such felony offense was
 532 | committed.

533

534 | Section 19. This act shall take effect July 1, 2024.