

1                   A bill to be entitled  
 2           An act relating to pretrial release in cases involving  
 3           minor victims; amending s. 903.047, F.S.; requiring,  
 4           as a condition of pretrial release for a defendant  
 5           charged with a sexual offense involving a minor  
 6           victim, that the defendant have no contact with a  
 7           minor; defining the term "no contact"; permitting a  
 8           court to modify such a condition in certain  
 9           circumstances; specifying that a victim is entitled to  
 10          notice and has a right to be heard if a defendant  
 11          seeks modification of a no contact order; providing an  
 12          effective date.

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

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 16           Section 1. Paragraph (c) of subsection (1) of section  
 17   903.047, Florida Statutes, is redesignated as paragraph (d), a  
 18   new paragraph (c) is added to that subsection, and subsection  
 19   (2) of that section is amended, to read:

20           903.047 Conditions of pretrial release.—

21           (1) As a condition of pretrial release, whether such  
 22   release is by surety bail bond or recognizance bond or in some  
 23   other form, the defendant must:

24           (c) Refrain from contact of any type with a minor if the  
 25   defendant is over the age of 18 and arrested for a violation of

26 s. 787.01; s. 787.02; s. 787.06; s. 794.011, excluding s.  
27 794.011(10); s. 794.05; s. 800.04; s. 827.071; s. 847.0135; or  
28 s. 847.0145, in which the victim was a minor, except through  
29 pretrial discovery pursuant to the Florida Rules of Criminal  
30 Procedure. An order of no contact is effective immediately and  
31 enforceable for the duration of the pretrial release or until it  
32 is modified by the court. The defendant shall be informed in  
33 writing of the order of no contact specifying the applicable  
34 prohibited acts before the defendant is released from custody on  
35 pretrial release. As used in this section, unless otherwise  
36 specified by the court, the term "no contact" includes the  
37 following prohibited acts:

38 1. Communicating orally or in any written form, either in  
39 person, telephonically, electronically, or in any other manner,  
40 either directly or indirectly through a third person, with a  
41 minor.

42 2. Being alone with a minor.

43 3. Having any direct physical contact with a minor.

44 (2) Upon motion by the defendant when bail is set, or upon  
45 later motion properly noticed pursuant to law, the court may  
46 modify the condition required by ~~paragraphs~~ paragraph (1) (b) and  
47 (1) (c) if good cause is shown and the interests of justice so  
48 require. If the motion by defendant is to modify the condition  
49 of no contact with the victim, the victim shall be permitted to  
50 be heard at any proceeding in which such modification is

51 | considered, and the state attorney shall notify the victim of  
52 | the provisions of this subsection and of the pendency of any  
53 | such proceeding.

54 |       Section 2. This act shall take effect July 1, 2018.