



1           1. A mandatory curfew from 10 p.m. to 6 a.m. The  
2 commission may designate another 8-hour period if the  
3 offender's employment precludes the above specified time, and  
4 such alternative is recommended by the Department of  
5 Corrections. If the commission determines that imposing a  
6 curfew would endanger the victim, the commission may consider  
7 alternative sanctions.

8           2. If the victim was under the age of 18, a  
9 prohibition on living within 1,000 feet of a school, day care  
10 center, park, playground, designated public school bus stop,  
11 or other place where children regularly congregate. A releasee  
12 who is subject to this subparagraph may not relocate to a  
13 residence that is within 1,000 feet of a public school bus  
14 stop. Beginning October 1, 2004, the commission or the  
15 department may not approve a residence that is located within  
16 1,000 feet of a school, day care center, park, playground,  
17 designated school bus stop, or other place where children  
18 regularly congregate for any releasee who is subject to this  
19 subparagraph. On October 1, 2004, the department shall notify  
20 each affected school district of the location of the residence  
21 of a releasee 30 days prior to release and thereafter, if the  
22 releasee relocates to a new residence, shall notify any  
23 affected school district of the residence of the releasee  
24 within 30 days after relocation. If, on October 1, 2004, any  
25 public school bus stop is located within 1,000 feet of the  
26 existing residence of such releasee, the district school board  
27 shall relocate that school bus stop. Beginning October 1,  
28 2004, a district school board may not establish or relocate a  
29 public school bus stop within 1,000 feet of the residence of a  
30 releasee who is subject to this subparagraph. The failure of  
31 the district school board to comply with this subparagraph

1 shall not result in a violation of conditional release  
2 supervision.

3           3. Active participation in and successful completion  
4 of a sex offender treatment program with qualified  
5 practitioners ~~therapists~~ specifically trained to treat sex  
6 offenders, at the releasee's own expense. If a qualified  
7 practitioner ~~specially trained therapist~~ is not available  
8 within a 50-mile radius of the releasee's residence, the  
9 offender shall participate in other appropriate therapy.

10           4. A prohibition on any contact with the victim,  
11 directly or indirectly, including through a third person,  
12 unless approved by the victim, the offender's therapist, and  
13 the sentencing court.

14           5. If the victim was under the age of 18, a  
15 prohibition against ~~direct~~ contact ~~or association~~ with  
16 children under the age of 18 except as provided in this  
17 paragraph. The commission may approve supervised contact with  
18 a child under the age of 18 if:

19           a. A risk assessment has been completed by a qualified  
20 practitioner at the offender's sex offender treatment program;

21           b. Before supervised contact begins, the adult who is  
22 responsible for the child's welfare collaborates with the  
23 qualified practitioner to develop and implement a safety plan  
24 that details the acceptable conditions of contact between the  
25 offender and the child;

26           c. Supervised contact with the child is recommended by  
27 the qualified practitioner at the offender's sex offender  
28 treatment program;

29           d. The commission approves the adult who is  
30 responsible for the child's welfare and who has agreed to  
31 supervise the child any time the offender is with the child;

1           e. The commission determines that the supervised  
2 contact is in the best interest of the child and does not pose  
3 an undue risk to the child; and

4           f. The adult who has been approved by the commission  
5 understands that he or she must supervise the child any time  
6 the offender is with the child. ~~until all of the following~~  
7 ~~conditions are met:~~

8           ~~a. Successful completion of a sex offender treatment~~  
9 ~~program.~~

10          ~~b. The adult person who is legally responsible for the~~  
11 ~~welfare of the child has been advised of the nature of the~~  
12 ~~crime.~~

13          ~~c. Such adult person is present during all contact or~~  
14 ~~association with the child.~~

15          ~~d. Such adult person has been approved by the~~  
16 ~~commission.~~

17          6. If the victim was under age 18, a prohibition on  
18 working for pay or as a volunteer at any school, day care  
19 center, park, playground, or other place where children  
20 regularly congregate, as prescribed by the commission.

21          7. Unless otherwise indicated in the treatment plan  
22 provided by the sexual offender treatment program, a  
23 prohibition on viewing, owning, or possessing any obscene,  
24 pornographic, or sexually stimulating visual or auditory  
25 material, including telephone, electronic media, computer  
26 programs, or computer services that are relevant to the  
27 offender's deviant behavior pattern.

28          8. Effective for a releasee whose crime is committed  
29 on or after July 1, 2005, a prohibition on accessing the  
30 Internet or other computer services until the offender's sex  
31 offender treatment program, after a risk assessment is

1 completed, approves and implements a safety plan for the  
2 offender's accessing or using the Internet or other computer  
3 services.

4 ~~9.8.~~ A requirement that the releasee must submit two  
5 specimens of blood to the Florida Department of Law  
6 Enforcement to be registered with the DNA database.

7 ~~10.9.~~ A requirement that the releasee make restitution  
8 to the victim, as determined by the sentencing court or the  
9 commission, for all necessary medical and related professional  
10 services relating to physical, psychiatric, and psychological  
11 care.

12 ~~11.10.~~ Submission to a warrantless search by the  
13 community control or probation officer of the probationer's or  
14 community controllee's person, residence, or vehicle.

15  
16 As used in this paragraph, the term "qualified practitioner"  
17 means a therapist licensed under s. 490.0141 or s. 491.0143,  
18 or holding equivalent licensure in another state, who is  
19 specially trained to evaluate and treat sex offenders and who  
20 is a clinical member of the Association for the Treatment of  
21 Sexual Abusers or has equivalent training and experience.

22 Section 2. Subsection (1) of section 948.30, Florida  
23 Statutes, is amended to read:

24 948.30 Additional terms and conditions of probation or  
25 community control for certain sex offenses.--Conditions  
26 imposed pursuant to this section do not require oral  
27 pronouncement at the time of sentencing and shall be  
28 considered standard conditions of probation or community  
29 control for offenders specified in this section.

30 (1) Effective for probationers or community  
31 controllees whose crime was committed on or after October 1,

1 1995, and who are placed under supervision for violation of  
2 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court  
3 must impose the following conditions in addition to all other  
4 standard and special conditions imposed:

5 (a) A mandatory curfew from 10 p.m. to 6 a.m. The  
6 court may designate another 8-hour period if the offender's  
7 employment precludes the above specified time, and the ~~such~~  
8 alternative is recommended by the Department of Corrections.  
9 If the court determines that imposing a curfew would endanger  
10 the victim, the court may consider alternative sanctions.

11 (b) If the victim was under the age of 18, a  
12 prohibition on living within 1,000 feet of a school, day care  
13 center, park, playground, or other place where children  
14 regularly congregate, as prescribed by the court. The  
15 1,000-foot distance shall be measured in a straight line from  
16 the offender's place of residence to the nearest boundary line  
17 of the school, day care center, park, playground, or other  
18 place where children congregate. The distance may not be  
19 measured by a pedestrian route or automobile route.

20 (c) Active participation in and successful completion  
21 of a sex offender treatment program with qualified  
22 practitioners ~~therapists~~ specifically trained to treat sex  
23 offenders, at the probationer's or community controllee's own  
24 expense. If a qualified practitioner ~~specially trained~~  
25 ~~therapist~~ is not available within a 50-mile radius of the  
26 probationer's or community controllee's residence, the  
27 offender shall participate in other appropriate therapy.

28 (d) A prohibition on any contact with the victim,  
29 directly or indirectly, including through a third person,  
30 unless approved by the victim, the offender's therapist, and  
31 the sentencing court.

1 (e) If the victim was under the age of 18, a  
2 ~~prohibition, until successful completion of a sex offender~~  
3 ~~treatment program, on unsupervised contact with a child under~~  
4 ~~the age of 18 except as provided in this paragraph, unless~~  
5 ~~authorized by the sentencing court without another adult~~  
6 ~~present who is responsible for the child's welfare, has been~~  
7 ~~advised of the crime, and is approved by the sentencing court.~~

8 The court may approve supervised contact with a child under  
9 the age of 18 if:

10 1. A risk assessment has been completed by the  
11 qualified practitioner at the offender's sex offender  
12 treatment program;

13 2. Before supervised contact begins, the adult who is  
14 responsible for the child's welfare collaborates with the  
15 qualified practitioner to develop and implement a safety plan  
16 that details the acceptable conditions of contact between the  
17 offender and the child;

18 3. Supervised contact with the child is recommended by  
19 the qualified practitioner at the offender's sex offender  
20 treatment program;

21 4. The court approves the adult who is responsible for  
22 the child's welfare and who has agreed to supervise the child  
23 any time the offender is with the child;

24 5. The court determines that the supervised contact is  
25 in the best interest of the child and does not pose an undue  
26 risk to the child; and

27 6. The adult who has been approved by the court  
28 understands that he or she must supervise the child any time  
29 the offender is with the child.

30 (f) If the victim was under age 18, a prohibition on  
31 working for pay or as a volunteer at any school, day care

1 center, park, playground, or other place where children  
2 regularly congregate.

3 (g) Unless otherwise indicated in the treatment plan  
4 provided by the sexual offender treatment program, a  
5 prohibition on viewing, accessing, owning, or possessing any  
6 obscene, pornographic, or sexually stimulating visual or  
7 auditory material, including telephone, electronic media,  
8 computer programs, or computer services that are relevant to  
9 the offender's deviant behavior pattern.

10 (h) Effective for probationers and community  
11 controllees whose crime is committed on or after July 1, 2005,  
12 a prohibition on accessing the Internet or other computer  
13 services until the offender's sex offender treatment program,  
14 after a risk assessment is completed, approves and implements  
15 a safety plan for the offender's accessing or using the  
16 Internet or other computer services.

17 ~~(i)(h)~~ A requirement that the probationer or community  
18 controllee must submit a specimen of blood or other approved  
19 biological specimen to the Department of Law Enforcement to be  
20 registered with the DNA data bank.

21 ~~(j)(i)~~ A requirement that the probationer or community  
22 controllee make restitution to the victim, as ordered by the  
23 court under s. 775.089, for all necessary medical and related  
24 professional services relating to physical, psychiatric, and  
25 psychological care.

26 ~~(k)(j)~~ Submission to a warrantless search by the  
27 community control or probation officer of the probationer's or  
28 community controllee's person, residence, or vehicle.

29

30 As used in this subsection, the term "qualified practitioner"  
31 means a therapist licensed under s. 490.0141 or s. 491.0143,

1 or holding equivalent licensure in another state, who is  
2 specially trained to evaluate and treat sex offenders and who  
3 is a clinical member of the Association for the Treatment of  
4 Sexual Abusers or has equivalent training and experience.

5 Section 3. For the purpose of incorporating the  
6 amendments made to section 947.1405, Florida Statutes, in a  
7 reference thereto, paragraph (b) of subsection (3) of section  
8 775.21, Florida Statutes, is reenacted to read:

9 775.21 The Florida Sexual Predators Act.--

10 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE  
11 INTENT.--

12 (b) The high level of threat that a sexual predator  
13 presents to the public safety, and the long-term effects  
14 suffered by victims of sex offenses, provide the state with  
15 sufficient justification to implement a strategy that  
16 includes:

17 1. Incarcerating sexual predators and maintaining  
18 adequate facilities to ensure that decisions to release sexual  
19 predators into the community are not made on the basis of  
20 inadequate space.

21 2. Providing for specialized supervision of sexual  
22 predators who are in the community by specially trained  
23 probation officers with low caseloads, as described in ss.  
24 947.1405(7) and 948.30. The sexual predator is subject to  
25 specified terms and conditions implemented at sentencing or at  
26 the time of release from incarceration, with a requirement  
27 that those who are financially able must pay all or part of  
28 the costs of supervision.

29 3. Requiring the registration of sexual predators,  
30 with a requirement that complete and accurate information be  
31

1 maintained and accessible for use by law enforcement  
2 authorities, communities, and the public.

3 4. Providing for community and public notification  
4 concerning the presence of sexual predators.

5 5. Prohibiting sexual predators from working with  
6 children, either for compensation or as a volunteer.

7 Section 4. This act shall take effect July 1, 2005.

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SENATE SUMMARY

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