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1                   A bill to be entitled  
2     An act relating to public safety; amending s. 775.21,  
3     F.S.; revising provisions relating to reimbursement of  
4     specified costs by sexual predators; revising provisions  
5     relating to the residence of sexual predators; providing  
6     criminal penalties; creating s. 775.215, F.S.; specifying  
7     residency distance limitations for persons convicted of  
8     certain sexual offenses; preempting certain local  
9     ordinances and providing for repeal of such ordinances;  
10    providing that persons subject to residency distance  
11    limitations who change their place of residence are  
12    subject to residency distance limitations as adopted by  
13    county or municipal ordinance; amending s. 775.24, F.S.;  
14    revising provisions relating to the duty of the court to  
15    uphold certain laws; amending s. 794.065, F.S.; providing  
16    additional residency restrictions for certain offenders;  
17    providing penalties; creating s. 794.0701, F.S.; providing  
18    for enhanced penalties for loitering or prowling by  
19    persons convicted of certain sex offenses; providing  
20    definitions; amending s. 947.1405, F.S.; revising  
21    conditional release restrictions for certain offenders;  
22    amending s. 948.06, F.S.; revising provisions relating to  
23    probation or community control for sexual predators and  
24    sexual offenders; amending s. 948.30, F.S.; revising  
25    provisions relating to terms and conditions of probation  
26    or community control for certain sex offenses; revising  
27    restrictions for certain probationers or community  
28    controllees who committed sexual offenses against a minor  
29    younger than 16 years of age; amending s. 257.12, F.S.;

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encouraging all public libraries to adopt an Internet safety education program for children and adults to promote the use of prudent online department and broaden awareness of online sexual predators and offenders; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of users who complete the program; requiring that the division adopt rules to allocate additional points to grant applicants who are in compliance with such a program; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) and paragraph (b) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.--

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

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

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

2. Providing for specialized supervision of sexual predators who are in the community by specially trained probation officers with low caseloads, as described in ss. 947.1405(7) and

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948.30. The sexual predator is subject to specified terms and conditions implemented at sentencing or at the time of release from incarceration, with a requirement that only those sexual predators found to be indigent may defer payment pursuant to s. 28.246 of all or part of the costs in accordance with the provisions of that section ~~who are financially able must pay all or part of the costs of supervision.~~

3. Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public.

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

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

(10) PENALTIES.--

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011(2), (3), (4), (5), or (8) ~~s. 794.011, excluding s. 794.011(10);~~ s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business where children regularly congregate, school, child care facility ~~day care center~~, park as defined in s. 794.0701,

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88 playground, or other place where children regularly congregate,  
89 commits a felony of the third degree, punishable as provided in  
90 s. 775.082, s. 775.083, or s. 775.084.

91 Section 2. Section 775.215, Florida Statutes, is created to  
92 read:

93 775.215 Residency distance limitations for persons  
94 convicted of certain sexual offenses; certain local ordinances  
95 preempted and repealed.--The adoption of residency distance  
96 limitations for persons convicted of sexual offenses, including,  
97 but not limited to, violations of s. 787.01, s. 787.02, s.  
98 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of  
99 whether adjudication has been withheld, is expressly preempted to  
100 the state. The provisions of ss. 794.065, 947.1405, and 948.30  
101 establishing such distance limitations supersede the distance  
102 limitations included in any such municipal or county ordinances.  
103 Any such residency distance limitations adopted by a county or  
104 municipality prior to July 1, 2009, are hereby repealed and  
105 abolished as of July 1, 2009. However, after July 1, 2009, the  
106 governing body of a county or municipality, may, upon the written  
107 recommendation of the chief law enforcement officer of such  
108 county or municipality and upon a finding of public necessity by  
109 said governing body, adopt by a 2/3 vote an ordinance that  
110 increases the distance limitations contained in s. 794.065 up to  
111 a maximum distance of 2,000 feet. Any person who is subject to  
112 the residency distance limitations in s. 794.065, s. 947.1405, or  
113 s. 948.30 who changes his or her place of residence after July 1,  
114 2009, is subject to the residency distance limitations adopted  
115 pursuant to such county or municipal ordinance.

116 Section 3. Subsection (2) of section 775.24, Florida

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Statutes, is amended to read:

775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.--

(2) If a person meets the criteria in this chapter for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders, exempts such person from the residency distance limitations contained in ss. 794.065, 947.1405, and 948.30, or exempts such person from the provisions of s. 794.0701;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 4. Section 794.065, Florida Statutes, is amended to read:

794.065 Unlawful place of residence for persons convicted of certain sex offenses.--

(1) (a) 1. It is unlawful for any person who has been

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convicted of a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 1,000 feet of any school, child care facility ~~day care center~~, park as defined in s. 794.0701, or playground.

2. A person who violates this subsection ~~section~~ and whose conviction for an offense listed in subparagraph 1. ~~under s. 794.011, s. 800.04, s. 827.071, or s. 847.0145~~ was classified as:

a. A felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. ~~A person who violates this section and whose conviction under s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified as~~

b. A felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section applies to any person convicted of an offense listed in subparagraph (1)(a)1. ~~if the offense occurred a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 for offenses that occur~~ on or after October 1, 2004.

(3) The distances in this section shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, child care facility, park as defined in s. 794.0701, or playground.

Section 5. Section 794.0701, Florida Statutes, is created to read:

794.0701 Loitering or prowling by persons convicted of certain sex offenses.--

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175       (1) Any person who:

176       (a) Has been convicted of a violation of s. 787.01, s.  
177 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,  
178 regardless of whether adjudication has been withheld, in which  
179 the victim of the offense was younger than 16 years of age; and

180       (b) Loiters or prowls as proscribed in s. 856.021 within  
181 300 feet of a place where children regularly congregate,  
182 including a school, designated public school bus stop, child care  
183 facility, playground, or park as defined in s. 794.0701,  
184  
185 commits a misdemeanor of the first degree, punishable as provided  
186 in s. 775.082 or s. 775.083.

187       (2) "Child care facility" has the same meaning as provided  
188 in s. 402.302.

189       (3) "Park" means and includes all public and private  
190 property specifically designated as being used for park and  
191 recreational purposes and where children regularly congregate.

192       (4) "School" has the same meaning as provided in s. 1003.01  
193 and includes a "private school" as defined in s. 1002.01, a  
194 "voluntary prekindergarten education program" as described in s.  
195 1002.53(3), a "public school" as described in s. 402.3025(1), the  
196 Florida School for the Deaf and the Blind, the Florida Virtual  
197 School as established in s. 1002.37, and a K-8 Virtual School as  
198 established in s. 1002.415, excluding facilities dedicated  
199 exclusively to the education of adults.

200       Section 6. Subsection (2) and subsection (7) of section  
201 947.1405, Florida Statutes, are amended to read:

202       947.1405 Conditional release program.--

203       (2)(a) Any inmate who:

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204        1.~~(a)~~ Is convicted of a crime committed on or after October  
205 1, 1988, and before January 1, 1994, ~~and any inmate who is~~  
206 convicted of a crime committed on or after January 1, 1994, which  
207 crime is or was contained in category 1, category 2, category 3,  
208 or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of  
209 Criminal Procedure (1993), and who has served at least one prior  
210 felony commitment at a state or federal correctional institution;

211        2.~~(b)~~ Is sentenced as a habitual or violent habitual  
212 offender or a violent career criminal pursuant to s. 775.084; or

213        3.~~(c)~~ Is found to be a sexual predator under s. 775.21 or  
214 former s. 775.23,

215  
216 shall, upon reaching the tentative release date or provisional  
217 release date, whichever is earlier, as established by the  
218 Department of Corrections, be released under supervision subject  
219 to specified terms and conditions, including payment of the cost  
220 of supervision pursuant to s. 948.09. Such supervision shall be  
221 applicable to all sentences within the overall term of sentences  
222 if an inmate's overall term of sentences includes one or more  
223 sentences that are eligible for conditional release supervision  
224 as provided herein.

225        (b) Effective July 1, 1994, and applicable for offenses  
226 committed on or after that date, the commission may require, as a  
227 condition of conditional release, that the releasee make payment  
228 of the debt due and owing to a county or municipal detention  
229 facility under s. 951.032 for medical care, treatment,  
230 hospitalization, or transportation received by the releasee while  
231 in that detention facility. The commission, in determining  
232 whether to order such repayment and the amount of such repayment,



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233 shall consider the amount of the debt, whether there was any  
234 fault of the institution for the medical expenses incurred, the  
235 financial resources of the releasee, the present and potential  
236 future financial needs and earning ability of the releasee, and  
237 dependents, and other appropriate factors.

238 (c) If any inmate placed on conditional release supervision  
239 is also subject to probation or community control, resulting from  
240 a probationary or community control split sentence within the  
241 overall term of sentences, the Department of Corrections shall  
242 supervise such person according to the conditions imposed by the  
243 court and the commission shall defer to such supervision. If the  
244 court revokes probation or community control and resentsences the  
245 offender to a term of incarceration, such revocation also  
246 constitutes a sufficient basis for the revocation of the  
247 conditional release supervision on any nonprobationary or  
248 noncommunity control sentence without further hearing by the  
249 commission. If any such supervision on any nonprobationary or  
250 noncommunity control sentence is revoked, such revocation may  
251 result in a forfeiture of all gain-time, and the commission may  
252 revoke the resulting deferred conditional release supervision or  
253 take other action it considers appropriate. If the term of  
254 conditional release supervision exceeds that of the probation or  
255 community control, then, upon expiration of the probation or  
256 community control, authority for the supervision shall revert to  
257 the commission and the supervision shall be subject to the  
258 conditions imposed by the commission.

259 (d) A panel of no fewer than two commissioners shall  
260 establish the terms and conditions of any such release. If the  
261 offense was a controlled substance violation, the conditions

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shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

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

2.a. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility ~~day care center~~, park as defined in s. 794.0701, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop.

b. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within

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291 1,000 feet of a school, child care facility ~~day care center~~, park  
292 as defined in s. 794.0701, playground, designated school bus  
293 stop, or other place where children regularly congregate for any  
294 releasee who is subject to this subparagraph. On October 1, 2004,  
295 the department shall notify each affected school district of the  
296 location of the residence of a releasee 30 days prior to release  
297 and thereafter, if the releasee relocates to a new residence,  
298 shall notify any affected school district of the residence of the  
299 releasee within 30 days after relocation. If, on October 1, 2004,  
300 any public school bus stop is located within 1,000 feet of the  
301 existing residence of such releasee, the district school board  
302 shall relocate that school bus stop. Beginning October 1, 2004, a  
303 district school board may not establish or relocate a public  
304 school bus stop within 1,000 feet of the residence of a releasee  
305 who is subject to this subparagraph. The failure of the district  
306 school board to comply with this subparagraph shall not result in  
307 a violation of conditional release supervision.

308 3. Active participation in and successful completion of a  
309 sex offender treatment program with qualified practitioners  
310 specifically trained to treat sex offenders, at the releasee's  
311 own expense. If a qualified practitioner is not available within  
312 a 50-mile radius of the releasee's residence, the offender shall  
313 participate in other appropriate therapy.

314 4. A prohibition on any contact with the victim, directly  
315 or indirectly, including through a third person, unless approved  
316 by the victim, the offender's therapist, and the sentencing  
317 court.

318 5. If the victim was under the age of 18, a prohibition  
319 against contact with children under the age of 18 without review

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and approval by the commission. The commission may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The commission may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the commission must review and consider the following:

a. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

(I) The sex offender's current legal status;

(II) The sex offender's history of adult charges with apparent sexual motivation;

(III) The sex offender's history of adult charges without apparent sexual motivation;

(IV) The sex offender's history of juvenile charges, whenever available;

(V) The sex offender's offender treatment history, including a consultation from the sex offender's treating, or most recent treating, therapist;

(VI) The sex offender's current mental status;

(VII) The sex offender's mental health and substance abuse history as provided by the Department of Corrections;

(VIII) The sex offender's personal, social, educational,

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and work history;

(IX) The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

(X) A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

(XI) The child's preference and relative comfort level with the proposed contact, when age-appropriate;

(XII) The parent's or legal guardian's preference regarding the proposed contact; and

(XIII) The qualified practitioner's opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child.

The written report of the assessment must be given to the commission.

b. A recommendation made as a part of the risk-assessment report as to whether supervised contact with the child should be approved;

c. A written consent signed by the child's parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex offender's present legal status, past criminal history, and the results of the risk assessment. The commission may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;

d. A safety plan prepared by the qualified practitioner,

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who provides treatment to the offender, in collaboration with the sex offender, the child's parent or legal guardian, and the child, when age appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the Department of Corrections before being submitted to the commission; and

e. Evidence that the child's parent or legal guardian, if the parent or legal guardian is not the sex offender, understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender.

The commission may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the commission that he or she has met the requirements of a qualified practitioner as defined in this section.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, child care facility ~~day care center~~, park as defined in s. 794.0701, playground, or other place where children regularly congregate, as prescribed by the commission.

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

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8. Effective for a releasee whose crime is committed on or after July 1, 2005, a prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.

9. A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

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

11. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and at the expense of the sex offender. The results of the

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polygraph examination shall not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

5. Electronic monitoring of any form when ordered by the commission.

Section 7. Subsection (4) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.--

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of such ~~the~~ charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If such ~~the~~ violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing.



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465 However, if the probationer or offender is under supervision for  
466 any criminal offense proscribed in chapter 794, s. 800.04(4),  
467 (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual  
468 predator or a registered sexual offender, or is under supervision  
469 for a criminal offense for which he or she would meet the  
470 registration criteria in s. 775.21, s. 943.0435, or s. 944.607  
471 but for the effective date of those sections, the court must make  
472 a finding that the probationer or offender poses no ~~is not a~~  
473 danger to the public prior to release with or without bail. In  
474 determining whether the offender poses no danger to the public  
475 ~~the danger posed by the offender's or probationer's release~~, the  
476 court may consider the nature and circumstances of the violation  
477 and any new offenses charged; the offender's or probationer's  
478 past and present conduct, including convictions of crimes; any  
479 record of arrests without conviction for crimes involving  
480 violence or sexual crimes; any other evidence of allegations of  
481 unlawful sexual conduct or the use of violence by the offender or  
482 probationer; the offender's or probationer's family ties, length  
483 of residence in the community, employment history, and mental  
484 condition; his or her history and conduct during the probation or  
485 community control supervision from which the violation arises and  
486 any other previous supervisions, including disciplinary records  
487 of previous incarcerations; the likelihood that the offender or  
488 probationer will engage again in a criminal course of conduct;  
489 the weight of the evidence against the offender or probationer;  
490 and any other facts the court considers relevant. The court, as  
491 soon as is practicable, shall give the probationer or offender an  
492 opportunity to be fully heard on his or her behalf in person or  
493 by counsel. After such ~~the~~ hearing, the court shall make findings

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of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to bail, but shall be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

(a) A violent felony offender of special concern, as defined in this section;

(b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or

(c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.

Section 8. Paragraph (b) of subsection (1) and subsection (3) of section 948.30, Florida Statutes, are amended to read:

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

(1) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility ~~day care center~~, park as defined in s. 794.0701, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, child care facility ~~day care center~~, park as defined in s. 794.0701, playground, or other place where children regularly congregate. The distance may not be measured by a pedestrian route or automobile route.

(3) Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:

(a) Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim younger than 16 ~~15~~ years of age ~~or younger~~ and the offender is 18 years of age or older;

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(b) Is designated a sexual predator pursuant to s. 775.21;  
or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim younger than 16 ~~15~~ years of age ~~or younger~~ and the offender is 18 years of age or older,

the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

Section 9. Subsection (3) is added to section 257.12, Florida Statutes, to read:

257.12 Division of Library and Information Services authorized to accept and expend federal funds.--

(3) All public libraries are encouraged to adopt an Internet safety education program, including the implementation of a computer-based educational program, that has been endorsed by a United States government-sanctioned law enforcement agency or other reputable organization and is designed for children and adults. The purpose of the Internet safety education program is to promote the use of prudent online deportment and broaden awareness of online predators. The program shall be interactive and age appropriate. Each library shall annually report to the division the annual number of users who complete the education program. By April 1, 2009, the division shall adopt rules for rewarding those libraries in the program grant application process which have had 1 percent or more of their annual number of users, based on the total number of registered borrowers from

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581 the preceding year, complete the education program adopted by the  
582 library. Users completing the program as a result of strategic  
583 partnerships or collaboration between the library and other  
584 entities shall be integrated into the library's annual report.  
585 The division shall adopt rules to, beginning with the grant  
586 application cycle for the 2010-2011 fiscal year, allocate 10  
587 percent of the total points available in the library services and  
588 technology grant application evaluation process to public  
589 libraries that are in compliance with this section.

590 Section 10. This act shall take effect July 1, 2009.