

By the Committee on Crime & Punishment and Representatives
Crist, Futch, Thrasher, Ball, Arnall, Wiles, Valdes, Fuller,
Ziebarth and Fasano

1 A bill to be entitled
2 An act relating to sentencing; creating the
3 "Sex Offender Punishment and Supervision Act";
4 amending s. 775.084, F.S.; providing
5 definitions; providing for a separate
6 proceeding for court determination of whether a
7 defendant is a "repeat sex offender" or
8 "habitual sex offender," as defined; providing
9 penalties for such offenders, including
10 mandatory minimum imprisonment, under specified
11 circumstances; providing for appeal; providing
12 legislative intent; providing an exception for
13 capital felonies; creating s. 775.0871, F.S.;
14 providing a mandatory minimum term of
15 imprisonment of 10 years for commission of
16 sexual battery upon a person 12 years of age or
17 older, without that person's consent, and in
18 the process thereof using or threatening to use
19 a deadly weapon or uses actual physical force
20 likely to cause serious personal injury;
21 providing a mandatory minimum term of
22 imprisonment of 10 years for commission of
23 lewd, lascivious, or indecent assault by
24 committing a sexual battery upon a victim under
25 14 years of age, when the defendant was over 24
26 years of age; precluding claim of victim's
27 consent; amending s. 921.001, F.S., relating to
28 the Sentencing Commission and sentencing
29 guidelines, generally; prohibiting downward
30 departure sentences for specified sexual
31 battery offenses or offenses involving lewd,

1 lascivious, or indecent assault or act upon or
2 in presence of a child; providing legislative
3 finding; amending s. 947.1405, F.S., relating
4 to conditional release programs; providing that
5 supervision subject to certain terms and
6 conditions is applicable to specified inmates
7 whose overall term of sentences includes one or
8 more conditional release eligible sentences;
9 amending s. 948.001, F.S.; defining "sex
10 offender probation"; amending s. 948.03, F.S.;
11 revising terms and conditions of probation or
12 community control; providing terms and
13 conditions of sex offender probation or sex
14 offender community control; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. This act may be known and shall be cited as
20 the "Sex Offender Punishment and Supervision Act."

21 Section 2. Subsection (7) is added to section 775.084,
22 Florida Statutes, 1996 Supplement, to read:

23 775.084 Violent career criminals; habitual felony
24 offenders and habitual violent felony offenders; repeat sex
25 offenders and habitual sex offenders; definitions; procedure;
26 enhanced penalties.--

27 (2) For the purposes of this section, the placing of a
28 person on probation without an adjudication of guilt shall be
29 treated as a prior conviction if the subsequent offense for
30 which the person is to be sentenced was committed during such
31 probationary period.

1 (3)

2 (b) In a separate proceeding, the court shall
3 determine whether the defendant is a violent career criminal
4 with respect to a primary offense committed on or after
5 October 1, 1995. The procedure shall be as follows:

6 1. Written notice shall be served on the defendant and
7 the defendant's attorney a sufficient time prior to the entry
8 of a plea or prior to the imposition of sentence in order to
9 allow the preparation of a submission on behalf of the
10 defendant.

11 2. All evidence presented shall be presented in open
12 court with full rights of confrontation, cross-examination,
13 and representation by counsel.

14 3. Each of the findings required as the basis for such
15 sentence shall be found to exist by a preponderance of the
16 evidence and shall be appealable only as provided in paragraph
17 (c).

18 4. For the purpose of identification, the court shall
19 fingerprint the defendant pursuant to s. 921.241.

20 5. For an offense committed on or after October 1,
21 1995, if the state attorney pursues a violent career criminal
22 sanction against the defendant and the court, in a separate
23 proceeding pursuant to this paragraph, determines that the
24 defendant meets the criteria under subsection (1) for imposing
25 such sanction, the court must sentence the defendant as a
26 violent career criminal, subject to imprisonment pursuant to
27 this section unless the court finds that such sentence is not
28 necessary for the protection of the public. If the court
29 finds that it is not necessary for the protection of the
30 public to sentence the defendant as a violent career criminal,
31 the court shall provide written reasons; a written transcript

1 of orally stated reasons is permissible, if filed by the court
2 within 7 days after the date of sentencing. Each month, the
3 court shall submit to the Sentencing Commission the written
4 reasons or transcripts in each case in which the court
5 determines not to impose a violent career criminal sanction.

6 (4)

7 (f) A sentence imposed under this section shall not be
8 increased after such imposition.

9 (g) A sentence imposed under this section is not
10 subject to s. 921.001.

11 (h) The provisions of this section do not apply to
12 capital felonies, and a sentence authorized under this section
13 does not preclude the imposition of the death penalty for a
14 capital felony.

15 (5) In order to be counted as a prior felony for
16 purposes of sentencing under this section, the felony must
17 have resulted in a conviction sentenced separately prior to
18 the current offense and sentenced separately from any other
19 felony conviction that is to be counted as a prior felony.

20 (6) The purpose of this section is to provide uniform
21 punishment for those crimes made punishable under this
22 section, and to this end, a reference to this section
23 constitutes a general reference under the doctrine of
24 incorporation by reference.

25 (7)(a) As used in this subsection:

26 1. "Repeat sex offender" means a defendant for whom
27 the court may impose an extended term of imprisonment, as
28 provided in paragraph (c), if it finds that all of the
29 following apply:

30 a. The defendant has been previously convicted, in
31 this state of a violation of one or more of the following

1 statutes: s. 794.011, s. 800.04(3), or other qualified sexual
2 offense.

3 b. The offense for which the defendant is to be
4 sentenced was committed:

5 (I) On or after July 1, 1997, and is a violation of s.
6 794.011(2)(a), (2)(b), (3), (4), (8)(b) or s. 800.04(3); and

7 (II) The offense was committed while the defendant was
8 in custody or under any type of community supervision, or
9 under any other supervision or commitment imposed as a result
10 of a prior conviction for an enumerated felony or other
11 qualified offense; or the offense was committed within 10
12 years after the date of the imposition of sentence of the last
13 prior enumerated offense, or within 10 years after the
14 defendant's release from a prison sentence or other commitment
15 imposed as a result of a prior sentence for an enumerated
16 offense or other qualified offense, or within 10 years after
17 the date of the defendant's lawful completion and discharge
18 from the supervision of parole, probation, conditional
19 release, control release, or any other form of supervision of
20 the Parole Commission, or of the Department of Corrections, or
21 of any other criminal justice agency in any state or
22 jurisdiction, whichever is later.

23
24 For purposes of sentencing the defendant as a repeat sex
25 offender, the placing of the defendant on probation without an
26 adjudication of guilt shall be treated as a prior conviction
27 if the subsequent offense for which the defendant is to be
28 sentenced was committed during such probationary period.

29 c. The defendant has not received a pardon on the
30 ground of innocence for any crime that is necessary for the
31 operation of this subparagraph; and

1 d. A conviction of a crime necessary to the operation
2 of this subparagraph has not been set aside in any
3 postconviction proceeding.

4 2. "Habitual sex offender" means a defendant for whom
5 the court shall impose an extended term of imprisonment, as
6 provided in paragraph (c), if it finds that all of the
7 following apply:

8 a. The defendant has two or more prior felony
9 convictions in this state of a violation of one or more of the
10 following statutes: s. 794.011, s. 800.04(3), or other
11 qualified offenses. In order to be counted as a prior felony
12 for purposes of sentencing under this section as a habitual
13 sex offender, the prior felony need not have resulted from a
14 conviction sentenced separately from any other felony
15 conviction that is to be counted as a prior felony.

16 b. The offense for which the defendant is to be
17 sentenced was committed on or after July 1, 1997, and is a
18 felony violation of any of the following statutes: s. 794.011
19 or s. 800.04(3); and the offense was committed while the
20 defendant was in custody or under any type of community
21 supervision, or under any other supervision or commitment
22 imposed as a result of a prior conviction for an enumerated
23 felony or other qualified offense; or within 10 years after
24 the date of the imposition of sentence of the last prior
25 enumerated offense, or within 10 years after the defendant's
26 release from a prison sentence or other commitment imposed as
27 a result of a prior sentence for an enumerated offense or
28 other qualified offense, or within 10 years after the date of
29 the defendant's lawful completion and discharge from the
30 supervision of parole, probation, conditional release, control
31 release, or any other form of supervision of the Parole

1 Commission, or of the Department of Corrections, or of any
2 other criminal justice agency in any state or jurisdiction,
3 whichever is later. For purposes of sentencing the defendant
4 as a habitual sex offender, the placing of the defendant on
5 probation without an adjudication of guilt shall be treated as
6 a prior conviction if the subsequent offense for which the
7 defendant is to be sentenced was committed during such
8 probationary period.

9 c. The defendant has not received a pardon on the
10 ground of innocence for any crime that is necessary for the
11 operation of this paragraph.

12 d. A conviction of a crime necessary to the operation
13 of this paragraph has not been set aside in any postconviction
14 proceeding.

15 (b) In a separate proceeding, the court shall
16 determine if the defendant is a repeat sex offender, or
17 habitual sex offender. The procedure shall be the same as for
18 a violent career criminal as established in subparagraphs
19 (3)(b)1. through 4., except regarding the appeal of the
20 court's determination to impose or not impose a sentence as a
21 repeat or habitual sex offender.

22 (c) In conformity with the procedure established in
23 subparagraphs (3)(b)1. through 4., the court may sentence a
24 repeat sex offender as follows:

25 1. In the case of a life felony, or a felony of the
26 first degree, for life.

27 2. In the case of a felony of the second degree, for a
28 term of years not exceeding 30 years, with a mandatory minimum
29 term of 15 years, followed by not less than 5 years of sex
30 offender probation.

31

1 3. In the case of a felony of the third degree, for a
2 term of years not exceeding 10 years.

3 (d) In conformity with the procedure established in
4 paragraph (3)(b), the court shall sentence a habitual sex
5 offender as follows:

6 1. In the case of a life felony, or a felony of the
7 first degree, or felony of the second degree, for life.

8 2. In the case of a felony of the third degree, for a
9 term of years not exceeding 20 years with a mandatory minimum
10 term of 15 years, followed by not less than 5 years of sex
11 offender probation.

12 (e) A person sentenced under paragraph (c) as a repeat
13 sex offender or under paragraph (d) as a habitual sex offender
14 has the right of direct appeal, and either the state or the
15 defendant may petition the trial court to vacate an illegal
16 sentence at any time. However, the determination of the trial
17 court to impose or not to impose a repeat sex offender
18 sentence is presumed appropriate, and no petition or motion
19 for collateral or other postconviction relief may be
20 considered based on an allegation either by the state or the
21 defendant that such sentence is inappropriate, inadequate, or
22 excessive. However, the determination of the trial court to
23 impose or not a habitual sex offender sentence may be appealed
24 by the defendant or the state.

25 1. It is the intent of the Legislature that, with
26 respect to both direct appeal and collateral review of repeat
27 sex offender sentences or habitual sex offender sentences, all
28 claims of error or illegality be raised at the first
29 opportunity and that no claim should be filed more than 2
30 years after the judgment and sentence became final, unless it
31 is established that the basis for the claim could not have

1 been ascertained at the time by the exercise of due diligence.
2 Technical violations and mistakes at trials and sentencing
3 proceedings of repeat sex offenders that do not affect due
4 process or fundamental fairness are not appealable by either
5 the state or the defendant.

6 2. It is the intent of the Legislature that no funds,
7 resources, or employees of the state or its political
8 subdivisions be used, directly or indirectly, in appellate or
9 collateral proceedings based on repeat sex offender or
10 habitual sex offender sentencing, except when such use is
11 constitutionally or statutorily mandated.

12 (f) For an offense committed on or after July 1, 1997,
13 a defendant sentenced under this subsection as a repeat sex
14 offender or habitual sex offender is not eligible for any form
15 of discretionary early release, other than pardon or executive
16 clemency, or conditional medical release granted pursuant to
17 s. 947.149.

18 (g) The provisions of this section regarding
19 sentencing as a repeat sex offender or habitual sex offender
20 do not apply to capital felonies, except to the extent that a
21 capital felony may be a qualified prior offense. No language
22 herein shall preclude the imposition of the death penalty for
23 a capital felony.

24 (h) At any time when it appears to the court that the
25 defendant is eligible for sentencing as a repeat sex offender
26 or habitual sex offender, the court shall make that
27 determination as provided in paragraph (b).

28 Section 3. Section 775.0871, Florida Statutes, is
29 created to read:

30 775.0871 Mandatory minimum penalties for certain sex
31 crimes involving sexual battery.--

1 (1) A person who is convicted of sexual battery which
2 was committed on or after July 1, 1997, upon a person 12 years
3 of age or older without that person's consent and in the
4 process thereof used or threatened to use a deadly weapon or
5 used actual physical force likely to cause serious personal
6 injury under s. 794.011(3) shall be sentenced to a mandatory
7 minimum term of imprisonment of 10 years.

8 (2) A person who is 24 years of age or older and who
9 is convicted of lewd, lascivious, or indecent assault which
10 was committed on or after July 1, 1997, in violation of s.
11 800.04(3) upon a victim under 14 years of age shall be
12 sentenced to a minimum term of imprisonment of 10 years. This
13 subsection shall apply regardless of any claims of consent on
14 the part of the victim.

15 Section 4. Subsection (6) of section 921.001, Florida
16 Statutes, is amended to read:

17 921.001 Sentencing Commission and sentencing
18 guidelines generally.--

19 (6) A court may impose a departure sentence outside
20 the sentencing guidelines based upon circumstances or factors
21 which reasonably justify the aggravation or mitigation of the
22 sentence in accordance with s. 921.0016. The level of proof
23 necessary to establish facts supporting a departure from a
24 sentence under the guidelines is a preponderance of the
25 evidence. When multiple reasons exist to support a departure
26 from a guidelines sentence, the departure shall be upheld when
27 at least one circumstance or factor justifies the departure
28 regardless of the presence of other circumstances or factors
29 found not to justify departure. Any sentence imposed outside
30 the range recommended by the guidelines must be explained in
31 writing by the trial court judge. Notwithstanding the

1 provisions of this subsection, no court shall impose a
2 downward departure for a violation under s. 794.011 or s.
3 800.04, which was committed on or after July 1, 1997, based on
4 a claim that defendant requires, or is requesting, mental
5 treatment or sex offender counseling. The Legislature finds
6 that sexual offenders must be punished commensurately with the
7 seriousness of the offense, and that the offender's mental or
8 psychological condition does not entitle the sexual offender
9 to leniency.

10 Section 5. Subsection (2) of section 947.1405, Florida
11 Statutes, 1996 Supplement, is amended to read:

12 947.1405 Conditional release program.--

13 (2) Any inmate who:

14 (a) Is convicted of a crime committed on or after
15 October 1, 1988, and before January 1, 1994, and any inmate
16 who is convicted of a crime committed on or after January 1,
17 1994, which crime is or was contained in category 1, category
18 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
19 Florida Rules of Criminal Procedure (1993), and who has served
20 at least one prior felony commitment at a state or federal
21 correctional institution;

22 (b) Is sentenced as a habitual or violent habitual
23 offender pursuant to s. 775.084; or

24 (c) Is found to be a sexual predator under s. 775.21
25 or former s. 775.23,

26
27 shall, upon reaching the tentative release date or provisional
28 release date, whichever is earlier, as established by the
29 Department of Corrections, be released under supervision
30 subject to specified terms and conditions, including payment
31 of the cost of supervision pursuant to s. 948.09. Such

1 supervision shall be applicable if the inmate's overall term
2 of sentences includes one or more conditional release eligible
3 sentences as provided herein.Effective July 1, 1994, and
4 applicable for offenses committed on or after that date, the
5 commission may require, as a condition of conditional release,
6 that the releasee make payment of the debt due and owing to a
7 county or municipal detention facility under s. 951.032 for
8 medical care, treatment, hospitalization, or transportation
9 received by the releasee while in that detention facility. The
10 commission, in determining whether to order such repayment and
11 the amount of such repayment, shall consider the amount of the
12 debt, whether there was any fault of the institution for the
13 medical expenses incurred, the financial resources of the
14 releasee, the present and potential future financial needs and
15 earning ability of the releasee, and dependents, and other
16 appropriate factors. If an inmate has received a term of
17 probation or community control supervision to be served after
18 release from incarceration, the period of probation or
19 community control must be substituted for the conditional
20 release supervision. A panel of no fewer than two
21 commissioners shall establish the terms and conditions of any
22 such release. If the offense was a controlled substance
23 violation, the conditions shall include a requirement that the
24 offender submit to random substance abuse testing
25 intermittently throughout the term of conditional release
26 supervision, upon the direction of the correctional probation
27 officer as defined in s. 943.10(3). The commission shall also
28 determine whether the terms and conditions of such release
29 have been violated and whether such violation warrants
30 revocation of the conditional release.
31

1 Section 6. Subsection (7) is added to section 948.001,
2 Florida Statutes, to read:

3 948.001 Definitions.--As used in this chapter, the
4 term:

5 (7) "Sex offender probation" means a form of intensive
6 supervision which emphasizes public safety and treatment of
7 offenders and is administered by officers with restricted
8 caseloads. Caseloads shall be restricted to 45 cases per
9 officer in order to ensure an adequate level of supervision.

10 Section 7. Subsection (5) of section 948.03, Florida
11 Statutes, 1996 Supplement, is amended to read:

12 948.03 Terms and conditions of probation or community
13 control or sex offender probation.--

14 (1) The court shall determine the terms and conditions
15 of probation or community control. Conditions specified in
16 paragraphs (a) through and including (n) do not require oral
17 pronouncement at the time of sentencing and may be considered
18 standard conditions of probation. Conditions specified in
19 paragraphs (a) through and including (n) and (2)(a) do not
20 require oral pronouncement at sentencing and may be considered
21 standard conditions of community control. These conditions
22 may include among them the following, that the probationer or
23 offender in community control shall:

24 (a) Report to the probation and parole supervisors as
25 directed.

26 (b) Permit such supervisors to visit him at his home
27 or elsewhere.

28 (c) Work faithfully at suitable employment insofar as
29 may be possible.

30 (d) Remain within a specified place.

31

1 (e) Make reparation or restitution to the aggrieved
2 party for the damage or loss caused by his offense in an
3 amount to be determined by the court. The court shall make
4 such reparation or restitution a condition of probation,
5 unless it determines that clear and compelling reasons exist
6 to the contrary. If the court does not order restitution, or
7 orders restitution of only a portion of the damages, as
8 provided in s. 775.089, it shall state on the record in detail
9 the reasons therefor.

10 (f) Effective July 1, 1994, and applicable for
11 offenses committed on or after that date, make payment of the
12 debt due and owing to a county or municipal detention facility
13 under s. 951.032 for medical care, treatment, hospitalization,
14 or transportation received by the felony probationer while in
15 that detention facility. The court, in determining whether to
16 order such repayment and the amount of such repayment, shall
17 consider the amount of the debt, whether there was any fault
18 of the institution for the medical expenses incurred, the
19 financial resources of the felony probationer, the present and
20 potential future financial needs and earning ability of the
21 probationer, and dependents, and other appropriate factors.

22 (g) Support his legal dependents to the best of his
23 ability.

24 (h) Make payment of the debt due and owing to the
25 state under s. 960.17, subject to modification based on change
26 of circumstances.

27 (i) Pay any attorney's fees and costs assessed under
28 s. 27.56, subject to modification based on change of
29 circumstances.

30 (j) Not associate with persons engaged in criminal
31 activities.

1 (k)1. Submit to random testing as directed by the
2 correctional probation officer or the professional staff of
3 the treatment center where he is receiving treatment to
4 determine the presence or use of alcohol or controlled
5 substances.

6 2. If the offense was a controlled substance violation
7 and the period of probation immediately follows a period of
8 incarceration in the state correction system, the conditions
9 shall include a requirement that the offender submit to random
10 substance abuse testing intermittently throughout the term of
11 supervision, upon the direction of the correctional probation
12 officer as defined in s. 943.10(3).

13 (1) Be prohibited from possessing, carrying, or owning
14 any firearm unless authorized by the court and consented to by
15 the probation officer.

16 (m) Be prohibited from using intoxicants to excess or
17 possessing any drugs or narcotics unless prescribed by a
18 physician. The probationer or community controlee shall not
19 knowingly visit places where intoxicants, drugs, or other
20 dangerous substances are unlawfully sold, dispensed, or used.

21 (n) Attend an HIV/AIDS awareness program consisting of
22 a class of not less than 2 hours or more than 4 hours in
23 length, the cost for which shall be paid by the offender.

24 (o) Pay not more than \$1 per month during the term of
25 probation or community control to a nonprofit organization
26 established for the sole purpose of supplementing the
27 rehabilitative efforts of the Department of Corrections.

28 (4) The court shall require a diagnosis and evaluation
29 to determine the need of a probationer or offender in
30 community control for treatment. If the court determines that
31 a need therefor is established by such diagnosis and

1 evaluation process, the court shall require outpatient
2 counseling as a term or condition of probation or community
3 control for any person who was found guilty of any of the
4 following, or whose plea of guilty or nolo contendere to any
5 of the following was accepted by the court:

6 (a) A lewd, lascivious, or indecent assault or act
7 upon, or in the presence of, a child.

8 (b) Sexual battery, as defined in chapter 794, against
9 a child.

10 (c) Exploitation of a child as provided in s. 450.151,
11 or for prostitution.

12

13 Such counseling shall be required to be obtained from a
14 community mental health center, a recognized social service
15 agency providing mental health services, or a private mental
16 health professional or through other professional counseling.
17 The plan for counseling for the individual shall be provided
18 to the court for review.

19 (5) Effective for probationers or community controlees
20 whose crime was committed on or after July 1, 1997 ~~October 1,~~
21 ~~1995~~, and who are placed under supervision for violation of
22 chapter 794 or s. 800.04, s. 827.071, or s. 847.0145, the
23 court must impose the following conditions in addition to all
24 other standard and special conditions imposed. In addition, a
25 person whose crime was committed or whose term of supervision
26 was revoked and a new term of supervision imposed on or after
27 July 1, 1997, and who is placed on supervision for violation
28 of chapter 794 or s. 800.04, s. 827.071, or s. 847.0145 shall
29 have the conditions in paragraphs (a) through (q) as standard
30 conditions. These conditions do not require oral
31 pronouncement at the time of sentencing and shall be

1 considered standard conditions of sex offender probation or
2 sex offender community control in addition to all other
3 standard or special conditions. None of these conditions in
4 paragraphs (a) through (q) may be deleted or made to be
5 ineffective in any manner.+

6 (a) A mandatory curfew from 10 p.m. to 6 a.m. or
7 during another 8-hour period if the offender's employment
8 precludes that curfew time as recommended by the Department of
9 Corrections and ordered, ~~if appropriate, during hours set by~~
10 the sentencing court.

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.~~

15 (c) Active participation in and successful completion
16 of a sex offender treatment program with therapists
17 specifically trained to treat sex offenders, at the
18 probationer's or community controlee's own expense, unless one
19 is not available within a 50-mile radius of the probationer's
20 or community controlee's residence.

21 (d) A prohibition on any contact with the victim,
22 directly or indirectly, including through a third person,
23 unless approved by both the victim's and the offender's
24 therapists and the sentencing court.

25 (e) If the victim was under the age of 18, a
26 prohibition, until successful completion of a sex offender
27 treatment program, on ~~unsupervised~~ contact with a child under
28 the age of 18. After successful completion there may be
29 supervised contact only if there is, ~~unless authorized by the~~
30 ~~sentencing court without~~ another adult present who is
31 responsible for the child's welfare, has been advised of the

1 crime by the probation officer, and is approved by the
2 commission.

3 (f) If the victim was under age 18, a prohibition on
4 working for pay or as a volunteer at any school, day care
5 center, park, playground, or other place where children
6 regularly congregate.

7 ~~(g) Unless otherwise indicated in the treatment plan~~
8 ~~provided by the sexual offender treatment program,~~A
9 prohibition on viewing, owning, or possessing any obscene,
10 pornographic, or sexually explicit material.

11 (h) A requirement that the probationer or community
12 controlee must submit two specimens of blood to the Florida
13 Department of Law Enforcement to be registered with the DNA
14 data bank.

15 (i) A requirement that the probationer or community
16 controlee make restitution to the victim, as ordered by the
17 court under s. 775.089, for all necessary medical and related
18 professional services relating to physical, psychiatric, and
19 psychological care.

20 (j) The probationer or community controlee may be
21 placed on electronic monitoring when deemed necessary by the
22 probation officer and his or her supervisor.

23 (k) The probationer or community controlee shall at
24 his or her own expense submit to a minimum of one polygraph
25 examination per year to answer questions regarding his or her
26 compliance with conditions of supervision. The exams shall be
27 performed by an examiner who at a minimum complies with the
28 standards set by the National Association of Polygraph
29 Specialists in Sex Offender Testing/Monitoring.

30 (l) If there was sexual contact, a submission to, at
31 the probationer's or community controlee's expense, an HIV

1 test with the results to be released to the victim and or the
2 victim's parent or guardian.

3 (m) Submission to a warrantless search by the
4 probation officer of the probationer's or community
5 controlee's person, residence, or vehicle.

6 (n) A probation on owning, using, or possessing a
7 computer with a modem or any other communications device that
8 provides Internet access.

9 (o) A contribution of \$1 per month for each month of
10 supervision to be paid to the Florida Network of Children's
11 Advocacy Centers, Inc., at a minimum of once per year for the
12 upcoming year.

13 (p) If the probationer or community controlee has had
14 prior supervision, or served state prison or county jail time
15 for a violation of any of the offenses listed in subsection
16 (4) within 10 years of the date the offense was committed, a
17 submission to antiandrogen therapy where recommended by a sex
18 offender therapist or physician if such treatment is
19 available.

20 (q) Registration as a sex offender with the local
21 sheriff's office in the county of permanent or temporary
22 residence.

23 Section 8. This act shall take effect July 1, 1997.
24
25
26
27
28
29
30
31