

By Senator Villalobos

38-628-03

1                                   A bill to be entitled  
2           An act relating to probation or community  
3           control; amending s. 948.03, F.S.; providing  
4           requirements for measuring the distance from an  
5           offender's place of residence to a school, day  
6           care center, park, playground, or other place  
7           where children congregate for purposes of  
8           complying with a court-imposed condition  
9           prohibiting the offender from living within a  
10          specified distance from those facilities;  
11          providing an effective date.

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

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15           Section 1. Paragraph (a) of subsection (5) of section  
16 948.03, Florida Statutes, is amended to read:

17           948.03 Terms and conditions of probation or community  
18 control.--

19           (5) Conditions imposed pursuant to this subsection, as  
20 specified in paragraphs (a) and (b), do not require oral  
21 pronouncement at the time of sentencing and shall be  
22 considered standard conditions of probation or community  
23 control for offenders specified in this subsection.

24           (a) Effective for probationers or community  
25 controllees whose crime was committed on or after October 1,  
26 1995, and who are placed under supervision for violation of  
27 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court  
28 must impose the following conditions in addition to all other  
29 standard and special conditions imposed:

30           1. A mandatory curfew from 10 p.m. to 6 a.m. The court  
31 may designate another 8-hour period if the offender's

1 employment precludes the above specified time, and such  
2 alternative is recommended by the Department of Corrections.  
3 If the court determines that imposing a curfew would endanger  
4 the victim, the court may consider alternative sanctions.

5           2. If the victim was under the age of 18, a  
6 prohibition on living within 1,000 feet of a school, day care  
7 center, park, playground, or other place where children  
8 regularly congregate, as prescribed by the court. The  
9 1,000-foot distance shall be measured in a straight line from  
10 the offender's place of residence to the nearest boundary line  
11 of the school, day care center, park, playground, or other  
12 place where children congregate. The distance may not be  
13 measured by a pedestrian route or automobile route.

14           3. Active participation in and successful completion  
15 of a sex offender treatment program with therapists  
16 specifically trained to treat sex offenders, at the  
17 probationer's or community controllee's own expense. If a  
18 specially trained therapist is not available within a 50-mile  
19 radius of the probationer's or community controllee's  
20 residence, the offender shall participate in other appropriate  
21 therapy.

22           4. A prohibition on any contact with the victim,  
23 directly or indirectly, including through a third person,  
24 unless approved by the victim, the offender's therapist, and  
25 the sentencing court.

26           5. If the victim was under the age of 18, a  
27 prohibition, until successful completion of a sex offender  
28 treatment program, on unsupervised contact with a child under  
29 the age of 18, unless authorized by the sentencing court  
30 without another adult present who is responsible for the  
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1 child's welfare, has been advised of the crime, and is  
2 approved by the sentencing court.

3 6. 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 7. 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 stimulating visual or auditory  
11 material, including telephone, electronic media, computer  
12 programs, or computer services that are relevant to the  
13 offender's deviant behavior pattern.

14 8. A requirement that the probationer or community  
15 controllee must submit two specimens of blood to the Florida  
16 Department of Law Enforcement to be registered with the DNA  
17 data bank.

18 9. A requirement that the probationer or community  
19 controllee make restitution to the victim, as ordered by the  
20 court under s. 775.089, for all necessary medical and related  
21 professional services relating to physical, psychiatric, and  
22 psychological care.

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

26 Section 2. This act shall take effect upon becoming a  
27 law.

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SENATE SUMMARY

Provides that for purposes of a court order prohibiting an offender from living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, the distance must be measured in a straight line from the offender's place of residence to the nearest boundary line of the facility. Prohibits measuring the distance by a pedestrian or automobile route.