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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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