



HB 0725

2003

1 A bill to be entitled

2 An act relating to submission of biological specimens;  
3 amending s. 948.03, F.S.; providing that probationers or  
4 community controllees may be required to submit biological  
5 specimens to the Florida Department of Law Enforcement to  
6 be registered with the DNA data bank; providing an  
7 effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Paragraph (a) of subsection (5) of section  
12 948.03, Florida Statutes, is amended to read:

13 948.03 Terms and conditions of probation or community  
14 control.--

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

20 (a) Effective for probationers or community controllees  
21 whose crime was committed on or after October 1, 1995, and who  
22 are placed under supervision for violation of chapter 794, s.  
23 800.04, s. 827.071, or s. 847.0145, the court must impose the  
24 following conditions in addition to all other standard and  
25 special conditions imposed:

26 1. A mandatory curfew from 10 p.m. to 6 a.m. The court may  
27 designate another 8-hour period if the offender's employment  
28 precludes the above specified time, and such alternative is  
29 recommended by the Department of Corrections. If the court



HB 0725

2003

30 determines that imposing a curfew would endanger the victim, the  
31 court may consider alternative sanctions.

32 2. If the victim was under the age of 18, a prohibition on  
33 living within 1,000 feet of a school, day care center, park,  
34 playground, or other place where children regularly congregate,  
35 as prescribed by the court.

36 3. Active participation in and successful completion of a  
37 sex offender treatment program with therapists specifically  
38 trained to treat sex offenders, at the probationer's or  
39 community controllee's own expense. If a specially trained  
40 therapist is not available within a 50-mile radius of the  
41 probationer's or community controllee's residence, the offender  
42 shall participate in other appropriate therapy.

43 4. A prohibition on any contact with the victim, directly  
44 or indirectly, including through a third person, unless approved  
45 by the victim, the offender's therapist, and the sentencing  
46 court.

47 5. If the victim was under the age of 18, a prohibition,  
48 until successful completion of a sex offender treatment program,  
49 on unsupervised contact with a child under the age of 18, unless  
50 authorized by the sentencing court without another adult present  
51 who is responsible for the child's welfare, has been advised of  
52 the crime, and is approved by the sentencing court.

53 6. If the victim was under age 18, a prohibition on  
54 working for pay or as a volunteer at any school, day care  
55 center, park, playground, or other place where children  
56 regularly congregate.

57 7. Unless otherwise indicated in the treatment plan  
58 provided by the sexual offender treatment program, a prohibition  
59 on viewing, owning, or possessing any obscene, pornographic, or



HB 0725

2003

60 sexually stimulating visual or auditory material, including  
61 telephone, electronic media, computer programs, or computer  
62 services that are relevant to the offender's deviant behavior  
63 pattern.

64 8. A requirement that the probationer or community  
65 controllee must submit two specimens of blood or other  
66 biological specimens approved by the Florida Department of Law  
67 Enforcement to the Florida Department of Law Enforcement to be  
68 registered with the DNA data bank.

69 9. A requirement that the probationer or community  
70 controllee make restitution to the victim, as ordered by the  
71 court under s. 775.089, for all necessary medical and related  
72 professional services relating to physical, psychiatric, and  
73 psychological care.

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

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