



HB 0725

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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the collection of blood and biological specimens by the Department of Law Enforcement; amending s. 948.03, F.S.; requiring that each sex offender placed on probation or community control submit an approved biological specimen to be registered with the DNA data bank; amending s. 943.325, F.S.; deleting an obsolete effective date; requiring that, in addition to a blood specimen, an approved biological specimen may be collected from a person convicted of specified offenses who is incarcerated or in the custody of the Department of Juvenile Justice; providing for collection of specimens; requiring that the sheriff secure, process, and transfer to the Department of Law Enforcement the blood and biological specimens collected from persons who are not incarcerated; providing an effective date.

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



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

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

(5) Conditions imposed pursuant to this subsection, as specified in paragraphs (a) and (b), 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 subsection.

(a) 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:

1. A mandatory curfew from 10 p.m. to 6 a.m. The court 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 court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

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

3. Active participation in and successful completion of a sex offender treatment program with therapists specifically



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57 | trained to treat sex offenders, at the probationer's or
58 | community controllee's own expense. If a specially trained
59 | therapist is not available within a 50-mile radius of the
60 | probationer's or community controllee's residence, the offender
61 | shall participate in other appropriate therapy.

62 | 4. A prohibition on any contact with the victim, directly
63 | or indirectly, including through a third person, unless approved
64 | by the victim, the offender's therapist, and the sentencing
65 | court.

66 | 5. If the victim was under the age of 18, a prohibition,
67 | until successful completion of a sex offender treatment program,
68 | on unsupervised contact with a child under the age of 18, unless
69 | authorized by the sentencing court without another adult present
70 | who is responsible for the child's welfare, has been advised of
71 | the crime, and is approved by the sentencing court.

72 | 6. If the victim was under age 18, a prohibition on
73 | working for pay or as a volunteer at any school, day care
74 | center, park, playground, or other place where children
75 | regularly congregate.

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

83 | 8. A requirement that the probationer or community
84 | controllee must submit two specimens of blood or other approved



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85 biological specimens to the Florida Department of Law
86 Enforcement to be registered with the DNA data bank.

87 9. A requirement that the probationer or community
88 controllee make restitution to the victim, as ordered by the
89 court under s. 775.089, for all necessary medical and related
90 professional services relating to physical, psychiatric, and
91 psychological care.

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

95 Section 2. Subsections (1) and (3) of section 943.325,
96 Florida Statutes, are amended to read:

97 943.325 Blood or other biological specimen testing for DNA
98 analysis.--

99 (1)(a) Any person who is convicted or was previously
100 convicted in this state for any offense or attempted offense
101 enumerated in paragraph (b), and any person who is transferred
102 to this state under Article VII of the Interstate Compact on
103 Juveniles, part V of chapter 985, who has committed or attempted
104 to commit an offense similarly defined by the transferring
105 state, who is either:

- 106 1. Still incarcerated, or
- 107 2. No longer incarcerated, or has never been incarcerated,
108 yet is within the confines of the legal state boundaries and is
109 on probation, community control, parole, conditional release,
110 control release, or any other type of court-ordered supervision,
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112 shall be required to submit two specimens of blood or other
113 biological specimens approved by the Department of Law
114 Enforcement to a Department of Law Enforcement designated
115 testing facility as directed by the department.

116 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
117 810.02, s. 812.133, or s. 812.135.

118 2. Effective July 1, 2002, and contingent upon specific
119 appropriation, s. 812.13 or s. 812.131.

120 3. Effective July 1, 2003, and contingent upon specific
121 appropriation, chapter 787 or s. 782.07.

122 4. Effective July 1, 2004, and contingent upon specific
123 appropriation, any forcible felony, as described in s. 776.08,
124 aggravated child abuse, as described in s. 827.03(2), aggravated
125 abuse of an elderly person or a disabled adult, as described in
126 s. 825.102(2), or any felony violation of chapter 790 involving
127 the use or possession of a firearm.

128 5. Effective July 1, 2005, and contingent upon specific
129 appropriation, any felony offense.

130 (c) As used in this section, the term "any person"
131 includes both juveniles and adults committed to a county jail or
132 committed to or under the supervision of the Department of
133 Corrections or the Department of Juvenile Justice, including
134 persons incarcerated in a private correctional institution
135 operated under contract pursuant to s. 944.105 or s. 957.03.

136 (d) ~~Effective July 1, 2001,~~ Any person who was previously
137 convicted in this state for any offense or attempted offense
138 enumerated in subparagraph (b)1., subparagraph (b)2., or
139 subparagraph (b)3. and who is still incarcerated or in the



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140 custody of the Department of Juvenile Justice must submit, not
141 less than 45 days before his or her presumptive date of release
142 from such incarceration or commitment, two specimens of blood or
143 other approved biological specimens as directed by the
144 Department of Law Enforcement to a testing facility designated
145 by the department.

146 (3) Upon a conviction of any person for any offense under
147 paragraph (1)(a) which results in the commitment of the offender
148 to a county jail, correctional facility, or juvenile facility,
149 the entity responsible for the facility shall assure that the
150 blood specimens or other biological specimens required by this
151 section and approved by the Department of Law Enforcement are
152 promptly secured and transmitted to the Department of Law
153 Enforcement. Personnel at the jail, correctional facility, or
154 juvenile facility shall collect the specimens as part of the
155 regular processing of offenders committed to the jail or
156 facility. If the person is not incarcerated following such
157 conviction, the person may not be released from the custody of
158 the court at the time of sentencing or released pursuant to a
159 bond or surety until the blood specimens or other approved
160 biological specimens required by this section have been taken by
161 the sheriff or his or her designee. The sheriff shall secure,
162 process, and transmit the specimens to the Department of Law
163 Enforcement in a timely manner. ~~The chief judge of each circuit~~
164 ~~shall, in conjunction with the sheriff or other entity that~~
165 ~~maintains the county jail, assure implementation of a method to~~
166 ~~promptly collect required blood specimens or other approved~~
167 ~~biological specimens and forward the specimens to the Department~~



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168 ~~of Law Enforcement. The Department of Law Enforcement, in~~
169 ~~conjunction with the sheriff, the courts, the Department of~~
170 ~~Corrections, and the Department of Juvenile Justice, shall~~
171 ~~develop a statewide protocol for securing the blood specimens or~~
172 ~~other approved biological specimens of any person required to~~
173 ~~provide specimens under this section. Personnel at the jail,~~
174 ~~correctional facility, or juvenile facility shall implement the~~
175 ~~protocol as part of the regular processing of offenders.~~

176 Section 3. This act shall take effect July 1, 2003.