



HB 0943

2003

1 A bill to be entitled

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

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

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13 Section 1. Paragraph (a) of subsection (5) of section
14 948.03, Florida Statutes, is amended to read:

15 948.03 Terms and conditions of probation or community
16 control.--

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

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

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



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31 recommended by the Department of Corrections. If the court
32 determines that imposing a curfew would endanger the victim, the
33 court may consider alternative sanctions.

34 2. If the victim was under the age of 18, a prohibition on
35 living within 1,000 feet of a school, day care center, park,
36 playground, or other place where children regularly congregate,
37 as prescribed by the court. The 1,000-foot distance shall be
38 measured in a straight line from the offender's place of
39 residence to the nearest boundary line of the school, day care
40 center, park, playground, or other place where children
41 congregate. The distance may not be measured by a pedestrian
42 route or automobile route.

43 3. Active participation in and successful completion of a
44 sex offender treatment program with therapists specifically
45 trained to treat sex offenders, at the probationer's or
46 community controllee's own expense. If a specially trained
47 therapist is not available within a 50-mile radius of the
48 probationer's or community controllee's residence, the offender
49 shall participate in other appropriate therapy.

50 4. A prohibition on any contact with the victim, directly
51 or indirectly, including through a third person, unless approved
52 by the victim, the offender's therapist, and the sentencing
53 court.

54 5. If the victim was under the age of 18, a prohibition,
55 until successful completion of a sex offender treatment program,
56 on unsupervised contact with a child under the age of 18, unless
57 authorized by the sentencing court without another adult present
58 who is responsible for the child's welfare, has been advised of
59 the crime, and is approved by the sentencing court.



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

64 7. Unless otherwise indicated in the treatment plan
65 provided by the sexual offender treatment program, a prohibition
66 on viewing, owning, or possessing any obscene, pornographic, or
67 sexually stimulating visual or auditory material, including
68 telephone, electronic media, computer programs, or computer
69 services that are relevant to the offender's deviant behavior
70 pattern.

71 8. A requirement that the probationer or community
72 controllee must submit two specimens of blood to the Florida
73 Department of Law Enforcement to be registered with the DNA data
74 bank.

75 9. A requirement that the probationer or community
76 controllee make restitution to the victim, as ordered by the
77 court under s. 775.089, for all necessary medical and related
78 professional services relating to physical, psychiatric, and
79 psychological care.

80 10. Submission to a warrantless search by the community
81 control or probation officer of the probationer's or community
82 controllee's person, residence, or vehicle.

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