

A bill to be entitled

An act relating to probation or community control for a sex offender; amending s. 948.03, F.S.; prohibiting a sex offender from having unsupervised contact with a child under the age of 18; authorizing the court to approve supervised contact if the offender successfully completes a treatment program, a risk assessment is prepared, and an adult responsible for the child's welfare supervises the contact; requiring that the supervising adult be provided with a safety plan prepared by a qualified practitioner; providing a definition; reenacting ss. 775.21(3)(b), 948.001(5), and 958.03(4), F.S., relating to specialized supervision of sexual predators and the definition of probation, for the purpose of incorporating the amendment to s. 948.03, F.S., in references thereto; providing an effective date.

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

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

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30 whose crime was committed on or after October 1, 1995, and who
31 are placed under supervision for violation of chapter 794, s.
32 800.04, s. 827.071, or s. 847.0145, the court must impose the
33 following conditions in addition to all other standard and
34 special conditions imposed:

35 1. A mandatory curfew from 10 p.m. to 6 a.m. The court may
36 designate another 8-hour period if the offender's employment
37 precludes the above specified time, and such alternative is
38 recommended by the Department of Corrections. If the court
39 determines that imposing a curfew would endanger the victim, the
40 court may consider alternative sanctions.

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

50 3. Active participation in and successful completion of a
51 sex offender treatment program with therapists specifically
52 trained to treat sex offenders, at the probationer's or
53 community controllee's own expense. If a specially trained
54 therapist is not available within a 50-mile radius of the
55 probationer's or community controllee's residence, the offender
56 shall participate in other appropriate therapy.

57 4. A prohibition on any contact with the victim, directly
58 or indirectly, including through a third person, unless approved

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59 by the victim, the offender's therapist, and the sentencing
60 court.

61 5. If the victim was under the age of 18, a prohibition on
62 starting or continuing unsupervised contact with a child under
63 the age of 18 or living with a child under the age of 18. The
64 court may approve supervised contact with a child under the age
65 of 18 if:

66 a. The offender has successfully completed a sex offender
67 treatment program;

68 b. The offender has completed an assessment of the contact
69 risk prepared by a qualified practitioner;

70 c. An adult who is responsible for the child's welfare and
71 who has been advised of the crime and approved by the court is
72 present at all times when the offender is with the child; and

73 d. Before supervised contact may begin, the responsible
74 adult must be provided with a safety plan that details the
75 conditions of the contact and is prepared by a qualified
76 practitioner who is treating or has treated the offender.

77
78 As used in this subparagraph, the term "qualified practitioner"
79 means a therapist licensed under s. 490.0143 or s. 491.0143 or a
80 sex therapist who is a clinical member of the Association for
81 the Treatment of Sexual Abusers, ~~until successful completion of~~
82 a sex offender treatment program, ~~on unsupervised contact with a~~
83 child under the age of 18, unless authorized by the sentencing
84 court without another adult present who is responsible for the
85 child's welfare, has been advised of the crime, and is approved
86 by the sentencing court.

87 6. If the victim was under age 18, a prohibition on

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88 working for pay or as a volunteer at any school, day care
 89 center, park, playground, or other place where children
 90 regularly congregate.

91 7. Unless otherwise indicated in the treatment plan
 92 provided by the sexual offender treatment program, a prohibition
 93 on viewing, owning, or possessing any obscene, pornographic, or
 94 sexually stimulating visual or auditory material, including
 95 telephone, electronic media, computer programs, or computer
 96 services that are relevant to the offender's deviant behavior
 97 pattern.

98 8. A requirement that the probationer or community
 99 controllee must submit two specimens of blood or other approved
 100 biological specimens to the Florida Department of Law
 101 Enforcement to be registered with the DNA data bank.

102 9. A requirement that the probationer or community
 103 controllee make restitution to the victim, as ordered by the
 104 court under s. 775.089, for all necessary medical and related
 105 professional services relating to physical, psychiatric, and
 106 psychological care.

107 10. Submission to a warrantless search by the community
 108 control or probation officer of the probationer's or community
 109 controllee's person, residence, or vehicle.

110 Section 2. For the purpose of incorporating the amendment
 111 to section 948.03, Florida Statutes, in a reference thereto,
 112 paragraph (b) of subsection (3) of section 775.21, Florida
 113 Statutes, is reenacted to read:

114 775.21 The Florida Sexual Predators Act; definitions;
 115 legislative findings, purpose, and intent; criteria;

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116 designation; registration; community and public notification;
 117 immunity; penalties.--

118 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
 119 INTENT.--

120 (b) The high level of threat that a sexual predator
 121 presents to the public safety, and the long-term effects
 122 suffered by victims of sex offenses, provide the state with
 123 sufficient justification to implement a strategy that includes:

124 1. Incarcerating sexual predators and maintaining adequate
 125 facilities to ensure that decisions to release sexual predators
 126 into the community are not made on the basis of inadequate
 127 space.

128 2. Providing for specialized supervision of sexual
 129 predators who are in the community by specially trained
 130 probation officers with low caseloads, as described in ss.
 131 947.1405(7) and 948.03(5). The sexual predator is subject to
 132 specified terms and conditions implemented at sentencing or at
 133 the time of release from incarceration, with a requirement that
 134 those who are financially able must pay all or part of the costs
 135 of supervision.

136 3. Requiring the registration of sexual predators, with a
 137 requirement that complete and accurate information be maintained
 138 and accessible for use by law enforcement authorities,
 139 communities, and the public.

140 4. Providing for community and public notification
 141 concerning the presence of sexual predators.

142 5. Prohibiting sexual predators from working with
 143 children, either for compensation or as a volunteer.

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144 Section 3. For the purpose of incorporating the amendment
 145 to section 948.03, Florida Statutes, in a reference thereto,
 146 subsection (5) of section 948.001, Florida Statutes, is
 147 reenacted to read:

148 948.001 Definitions.--As used in this chapter, the term:

149 (5) "Probation" means a form of community supervision
 150 requiring specified contacts with parole and probation officers
 151 and other terms and conditions as provided in s. 948.03.

152 Section 4. For the purpose of incorporating the amendment
 153 to section 948.03, Florida Statutes, in a reference thereto,
 154 subsection (4) of section 958.03, Florida Statutes, is reenacted
 155 to read:

156 958.03 Definitions.--As used in this act:

157 (4) "Probation" means a form of community supervision
 158 requiring specified contacts with parole and probation officers
 159 and other terms and conditions as provided in s. 948.03.

160 Section 5. This act shall take effect July 1, 2004.