

By Senator Crist

12-1462-04

1 A bill to be entitled
2 An act relating to probation or community
3 control for a sex offender; amending s. 948.03,
4 F.S.; prohibiting a sex offender from having
5 unsupervised contact with a child younger than
6 18; authorizing the court to approve supervised
7 contact if the offender successfully completes
8 a treatment program, a risk assessment is
9 prepared, and an adult responsible for the
10 child's welfare supervises the contact;
11 requiring that the supervising adult be
12 provided with a safety plan prepared by the
13 offender's sex therapist; providing an
14 effective date.

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

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18 Section 1. Paragraph (a) of subsection (5) of section
19 948.03, Florida Statutes, is amended to read:

20 948.03 Terms and conditions of probation or community
21 control.--

22 (5) Conditions imposed pursuant to this subsection, as
23 specified in paragraphs (a) and (b), do not require oral
24 pronouncement at the time of sentencing and shall be
25 considered standard conditions of probation or community
26 control for offenders specified in this subsection.

27 (a) Effective for probationers or community
28 controllees whose crime was committed on or after October 1,
29 1995, and who are placed under supervision for violation of
30 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court
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1 must impose the following conditions in addition to all other
2 standard and special conditions imposed:

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

9 2. If the victim was under the age of 18, a
10 prohibition on living within 1,000 feet of a school, day care
11 center, park, playground, or other place where children
12 regularly congregate, as prescribed by the court. The
13 1,000-foot distance shall be measured in a straight line from
14 the offender's place of residence to the nearest boundary line
15 of the school, day care center, park, playground, or other
16 place where children congregate. The distance may not be
17 measured by a pedestrian route or automobile route.

18 3. Active participation in and successful completion
19 of a sex offender treatment program with therapists
20 specifically trained to treat sex offenders, at the
21 probationer's or community controllee's own expense. If a
22 specially trained therapist is not available within a 50-mile
23 radius of the probationer's or community controllee's
24 residence, the offender shall participate in other appropriate
25 therapy.

26 4. A prohibition on any contact with the victim,
27 directly or indirectly, including through a third person,
28 unless approved by the victim, the offender's therapist, and
29 the sentencing court.

30 5. If the victim was under the age of 18, a
31 prohibition on starting or continuing unsupervised contact

1 with a child under the age of 18 or living with a child under
2 the age of 18. The court may approve supervised contact with a
3 child under the age of 18 if:

4 a. The offender has successfully completed a sex
5 offender treatment program;

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

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

12 d. Before supervised contact may begin, the
13 responsible adult must be provided with a safety plan,
14 prepared by the offender's sex therapist, which details the
15 conditions of the contact.

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17 As used in this subparagraph, the term "qualified
18 practitioner" means a sex therapist licensed under s. 490.0141
19 or s. 491.0143 or a sex therapist who is a clinical member of
20 the Association for the Treatment of Sexual Abusers, until
21 ~~successful completion of a sex offender treatment program, on~~
22 ~~unsupervised contact with a child under the age of 18, unless~~
23 ~~authorized by the sentencing court without another adult~~
24 ~~present who is responsible for the child's welfare, has been~~
25 ~~advised of the crime, and is approved by the sentencing court.~~

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

30 7. Unless otherwise indicated in the treatment plan
31 provided by the sexual offender treatment program, a

1 prohibition on viewing, owning, or possessing any obscene,
2 pornographic, or sexually stimulating visual or auditory
3 material, including telephone, electronic media, computer
4 programs, or computer services that are relevant to the
5 offender's deviant behavior pattern.

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

10 9. A requirement that the probationer or community
11 controllee make restitution to the victim, as ordered by the
12 court under s. 775.089, for all necessary medical and related
13 professional services relating to physical, psychiatric, and
14 psychological care.

15 10. Submission to a warrantless search by the
16 community control or probation officer of the probationer's or
17 community controllee's person, residence, or vehicle.

18 Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

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Prohibits a sex offender from having unsupervised contact with a child younger than 18. Authorizes 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. Requires that the supervising adult be provided with a safety plan prepared by the offender's sex therapist.