

1 A bill to be entitled
 2 An act relating to sexual offenders; amending ss. 947.1405
 3 and 948.30, F.S.; prohibiting a sexual offender from
 4 having contact with a child younger than 18; providing an
 5 exception; providing that the Parole Commission or a court
 6 may approve a sexual offender's having supervised contact
 7 with a child younger than 18 under specified conditions;
 8 prohibiting a sexual offender from accessing or using the
 9 Internet or other computer services without an approved
 10 safety plan; providing a definition; reenacting s.
 11 775.21(3)(b), F.S., relating to the threat to public
 12 safety by sexual offenders, to incorporate the amendments
 13 to ss. 947.1405 and 948.30, F.S., in references thereto;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Paragraph (a) of subsection (7) of section
 19 947.1405, Florida Statutes, is amended to read:

20 947.1405 Conditional release program.--

21 (7)(a) Any inmate who is convicted of a crime committed on
 22 or after October 1, 1995, or who has been previously convicted
 23 of a crime committed on or after October 1, 1995, in violation
 24 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
 25 subject to conditional release supervision, shall have, in
 26 addition to any other conditions imposed, the following special
 27 conditions imposed by the commission:

28 1. A mandatory curfew from 10 p.m. to 6 a.m. The

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29 | commission may designate another 8-hour period if the offender's
30 | employment precludes the above specified time, and such
31 | alternative is recommended by the Department of Corrections. If
32 | the commission determines that imposing a curfew would endanger
33 | the victim, the commission 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, designated public school bus stop, or other place
37 | where children regularly congregate. A releasee who is subject
38 | to this subparagraph may not relocate to a residence that is
39 | within 1,000 feet of a public school bus stop. Beginning October
40 | 1, 2004, the commission or the department may not approve a
41 | residence that is located within 1,000 feet of a school, day
42 | care center, park, playground, designated school bus stop, or
43 | other place where children regularly congregate for any releasee
44 | who is subject to this subparagraph. On October 1, 2004, the
45 | department shall notify each affected school district of the
46 | location of the residence of a releasee 30 days prior to release
47 | and thereafter, if the releasee relocates to a new residence,
48 | shall notify any affected school district of the residence of
49 | the releasee within 30 days after relocation. If, on October 1,
50 | 2004, any public school bus stop is located within 1,000 feet of
51 | the existing residence of such releasee, the district school
52 | board shall relocate that school bus stop. Beginning October 1,
53 | 2004, a district school board may not establish or relocate a
54 | public school bus stop within 1,000 feet of the residence of a
55 | releasee who is subject to this subparagraph. The failure of the
56 | district school board to comply with this subparagraph shall not

57 result in a violation of conditional release supervision.

58 3. Active participation in and successful completion of a
 59 sex offender treatment program with qualified practitioners
 60 ~~therapists~~ specifically trained to treat sex offenders, at the
 61 releasee's own expense. If a qualified practitioner ~~speciallly~~
 62 ~~trained therapist~~ is not available within a 50-mile radius of
 63 the releasee's residence, the offender shall participate in
 64 other appropriate therapy.

65 4. A prohibition on any contact with the victim, directly
 66 or indirectly, including through a third person, unless approved
 67 by the victim, the qualified practitioner treating the offender
 68 ~~offender's therapist~~, and the sentencing court.

69 5. If the victim was under the age of 18, a prohibition
 70 against direct contact ~~or association~~ with children under the
 71 age of 18 except as provided in this paragraph. The commission
 72 may approve supervised contact with a child under the age of 18
 73 if ~~until~~ all of the following conditions are met:

74 a. A risk assessment has been completed by a qualified
 75 practitioner at the offender's sex offender treatment program.

76 b. Before supervised contact begins, the adult who is
 77 responsible for the child's welfare collaborates with the
 78 qualified practitioner to develop and implement a safety plan
 79 that details the acceptable conditions of contact between the
 80 offender and the child.

81 c. Supervised contact with the child is recommended by the
 82 qualified practitioner at the offender's sex offender treatment
 83 program.

84 d. The commission approves the adult who is responsible

85 for the child's welfare and who has agreed to supervise the
 86 child any time the offender is with the child.

87 e. The commission determines that the supervised contact
 88 is in the best interest of the child and does not pose an undue
 89 risk to the child.

90 f. The adult who has been approved by the commission
 91 understands that he or she must supervise the child any time the
 92 offender is with the child.

93 ~~a. Successful completion of a sex offender treatment~~
 94 ~~program.~~

95 ~~b. The adult person who is legally responsible for the~~
 96 ~~welfare of the child has been advised of the nature of the~~
 97 ~~crime.~~

98 ~~c. Such adult person is present during all contact or~~
 99 ~~association with the child.~~

100 ~~d. Such adult person has been approved by the commission.~~

101 6. If the victim was under age 18, a prohibition on
 102 working for pay or as a volunteer at any school, day care
 103 center, park, playground, or other place where children
 104 regularly congregate, as prescribed by the commission.

105 7. Unless otherwise indicated in the treatment plan
 106 provided by the sexual offender treatment program, a prohibition
 107 on viewing, owning, or possessing any obscene, pornographic, or
 108 sexually stimulating visual or auditory material, including
 109 telephone, electronic media, computer programs, or computer
 110 services that are relevant to the offender's deviant behavior
 111 pattern.

112 8. Effective for a releasee whose crime is committed on or

113 after July 1, 2005, a prohibition on accessing or using the
 114 Internet or other computer services until the offender's sex
 115 offender treatment program has approved a safety plan for
 116 accessing or using the Internet or other computer services.

117 9.8. A requirement that the releasee must submit two
 118 specimens of blood to the Florida Department of Law Enforcement
 119 to be registered with the DNA database.

120 10.9. A requirement that the releasee make restitution to
 121 the victim, as determined by the sentencing court or the
 122 commission, for all necessary medical and related professional
 123 services relating to physical, psychiatric, and psychological
 124 care.

125 11.10. Submission to a warrantless search by the community
 126 control or probation officer of the probationer's or community
 127 controllee's person, residence, or vehicle.

128
 129 As used in this paragraph, the term "qualified practitioner"
 130 means a therapist licensed under s. 490.0143 or s. 491.0143, or
 131 holding equivalent licensure in another state, who is specially
 132 trained to evaluate and treat sex offenders and who is a
 133 clinical member of the Association for the Treatment of Sexual
 134 Abusers or has equivalent training and experience.

135 Section 2. Subsection (1) of section 948.30, Florida
 136 Statutes, is amended to read:

137 948.30 Additional terms and conditions of probation or
 138 community control for certain sex offenses.--Conditions imposed
 139 pursuant to this section do not require oral pronouncement at
 140 the time of sentencing and shall be considered standard

141 conditions of probation or community control for offenders
142 specified in this section.

143 (1) Effective for probationers or community controllees
144 whose crime was committed on or after October 1, 1995, and who
145 are placed under supervision for violation of chapter 794, s.
146 800.04, s. 827.071, or s. 847.0145, the court must impose the
147 following conditions in addition to all other standard and
148 special conditions imposed:

149 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
150 may designate another 8-hour period if the offender's employment
151 precludes the above specified time, and the ~~such~~ alternative is
152 recommended by the Department of Corrections. If the court
153 determines that imposing a curfew would endanger the victim, the
154 court may consider alternative sanctions.

155 (b) If the victim was under the age of 18, a prohibition
156 on living within 1,000 feet of a school, day care center, park,
157 playground, or other place where children regularly congregate,
158 as prescribed by the court. The 1,000-foot distance shall be
159 measured in a straight line from the offender's place of
160 residence to the nearest boundary line of the school, day care
161 center, park, playground, or other place where children
162 congregate. The distance may not be measured by a pedestrian
163 route or automobile route.

164 (c) Active participation in and successful completion of a
165 sex offender treatment program with qualified practitioners
166 ~~therapists~~ specifically trained to treat sex offenders, at the
167 probationer's or community controllee's own expense. If a
168 qualified practitioner ~~specially trained therapist~~ is not

169 available within a 50-mile radius of the probationer's or
 170 community controllee's residence, the offender shall participate
 171 in other appropriate therapy.

172 (d) A prohibition on any contact with the victim, directly
 173 or indirectly, including through a third person, unless approved
 174 by the victim, the qualified practitioner treating the offender
 175 ~~offender's therapist~~, and the sentencing court.

176 (e) If the victim was under the age of 18, a prohibition,
 177 ~~until successful completion of a sex offender treatment program,~~
 178 on ~~unsupervised~~ contact with a child under the age of 18 except
 179 as provided in this paragraph, ~~unless authorized by the~~
 180 ~~sentencing court without another adult present who is~~
 181 ~~responsible for the child's welfare, has been advised of the~~
 182 ~~crime, and is approved by the sentencing court.~~ The court may
 183 approve supervised contact with a child under the age of 18 if
 184 all of the following conditions are met:

185 1. A risk assessment has been completed by the qualified
 186 practitioner at the offender's sex offender treatment program.

187 2. Before supervised contact begins, the adult who is
 188 responsible for the child's welfare collaborates with the
 189 qualified practitioner to develop and implement a safety plan
 190 that details the acceptable conditions of contact between the
 191 offender and the child.

192 3. Supervised contact with the child is recommended by the
 193 qualified practitioner at the offender's sex offender treatment
 194 program.

195 4. The court approves the adult who is responsible for the
 196 child's welfare and who has agreed to supervise the child any

197 time the offender is with the child.

198 5. The court determines that the supervised contact is in
199 the best interest of the child and does not pose an undue risk
200 to the child.

201 6. The adult who has been approved by the court
202 understands that he or she must supervise the child any time the
203 offender is with the child.

204 (f) If the victim was under age 18, a prohibition on
205 working for pay or as a volunteer at any school, day care
206 center, park, playground, or other place where children
207 regularly congregate.

208 (g) Unless otherwise indicated in the treatment plan
209 provided by the sexual offender treatment program, a prohibition
210 on viewing, accessing, owning, or possessing any obscene,
211 pornographic, or sexually stimulating visual or auditory
212 material, including telephone, electronic media, computer
213 programs, or computer services that are relevant to the
214 offender's deviant behavior pattern.

215 (h) Effective for probationers or community controllees
216 whose crime is committed on or after July 1, 2005, a prohibition
217 on accessing or using the Internet or other computer services
218 until the offender's sex offender treatment program has approved
219 a safety plan for accessing or using the Internet or other
220 computer services.

221 (i)~~(h)~~ A requirement that the probationer or community
222 controllee must submit a specimen of blood or other approved
223 biological specimen to the Department of Law Enforcement to be
224 registered with the DNA data bank.

225 ~~(j)(i)~~ A requirement that the probationer or community
 226 controllee make restitution to the victim, as ordered by the
 227 court under s. 775.089, for all necessary medical and related
 228 professional services relating to physical, psychiatric, and
 229 psychological care.

230 ~~(k)(j)~~ Submission to a warrantless search by the community
 231 control or probation officer of the probationer's or community
 232 controllee's person, residence, or vehicle.

233
 234 As used in this subsection, the term "qualified practitioner"
 235 means a therapist licensed under s. 490.0143 or s. 491.0143, or
 236 holding equivalent licensure in another state, who is specially
 237 trained to evaluate and treat sex offenders and who is a
 238 clinical member of the Association for the Treatment of Sexual
 239 Abusers or has equivalent training and experience.

240 Section 3. For the purpose of incorporating the amendment
 241 to sections 947.1405 and 948.30, Florida Statutes, in references
 242 thereto, paragraph (b) of subsection (3) of section 775.21,
 243 Florida Statutes, is reenacted to read:

244 775.21 The Florida Sexual Predators Act.--

245 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
 246 INTENT.--

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

- 251 1. Incarcerating sexual predators and maintaining adequate
 252 facilities to ensure that decisions to release sexual predators

253 into the community are not made on the basis of inadequate
254 space.

255 2. Providing for specialized supervision of sexual
256 predators who are in the community by specially trained
257 probation officers with low caseloads, as described in ss.
258 947.1405(7) and 948.30. The sexual predator is subject to
259 specified terms and conditions implemented at sentencing or at
260 the time of release from incarceration, with a requirement that
261 those who are financially able must pay all or part of the costs
262 of supervision.

263 3. Requiring the registration of sexual predators, with a
264 requirement that complete and accurate information be maintained
265 and accessible for use by law enforcement authorities,
266 communities, and the public.

267 4. Providing for community and public notification
268 concerning the presence of sexual predators.

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

271 Section 4. This act shall take effect July 1, 2005.