

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

8 2. If the victim was under the age of 18, a
9 prohibition on living within 1,000 feet of a school, day care
10 center, park, playground, designated public school bus stop,
11 or other place where children regularly congregate. A releasee
12 who is subject to this subparagraph may not relocate to a
13 residence that is within 1,000 feet of a public school bus
14 stop. Beginning October 1, 2004, the commission or the
15 department may not approve a residence that is located within
16 1,000 feet of a school, day care center, park, playground,
17 designated school bus stop, or other place where children
18 regularly congregate for any releasee who is subject to this
19 subparagraph. On October 1, 2004, the department shall notify
20 each affected school district of the location of the residence
21 of a releasee 30 days prior to release and thereafter, if the
22 releasee relocates to a new residence, shall notify any
23 affected school district of the residence of the releasee
24 within 30 days after relocation. If, on October 1, 2004, any
25 public school bus stop is located within 1,000 feet of the
26 existing residence of such releasee, the district school board
27 shall relocate that school bus stop. Beginning October 1,
28 2004, a district school board may not establish or relocate a
29 public school bus stop within 1,000 feet of the residence of a
30 releasee who is subject to this subparagraph. The failure of
31 the district school board to comply with this subparagraph

1 shall not result in a violation of conditional release
2 supervision.

3 3. Active participation in and successful completion
4 of a sex offender treatment program with qualified
5 practitioners specifically trained to treat sex offenders, at
6 the releasee's own expense. If a qualified practitioner is not
7 available within a 50-mile radius of the releasee's residence,
8 the offender shall participate in other appropriate therapy.

9 4. A prohibition on any contact with the victim,
10 directly or indirectly, including through a third person,
11 unless approved by the victim, the offender's therapist, and
12 the sentencing court.

13 5. If the victim was under the age of 18, a
14 prohibition against contact with children under the age of 18
15 without review and approval by the commission. The commission
16 may approve supervised contact with a child under the age of
17 18 if the approval is based upon a recommendation for contact
18 issued by a qualified practitioner who is basing the
19 recommendation on a risk assessment. Further, the sex offender
20 must be currently enrolled in or have successfully completed a
21 sex offender therapy program. The commission may not grant
22 supervised contact with a child if the contact is not
23 recommended by a qualified practitioner and may deny
24 supervised contact with a child at any time. When considering
25 whether to approve supervised contact with a child, the
26 commission must review and consider the following:

27 a. A risk assessment completed by a qualified
28 practitioner. The qualified practitioner must prepare a
29 written report that must include the findings of the
30 assessment and address each of the following components:

31 (I) The sex offender's current legal status;

1 (II) The sex offender's history of adult charges with
2 apparent sexual motivation;

3 (III) The sex offender's history of adult charges
4 without apparent sexual motivation;

5 (IV) The sex offender's history of juvenile charges,
6 whenever available;

7 (V) The sex offender's offender treatment history,
8 including a consultation from the sex offender's treating, or
9 most recent treating, therapist;

10 (VI) The sex offender's current mental status;

11 (VII) The sex offender's mental health and substance
12 abuse history as provided by the Department of Corrections;

13 (VIII) The sex offender's personal, social,
14 educational, and work history;

15 (IX) The results of current psychological testing of
16 the sex offender if determined necessary by the qualified
17 practitioner;

18 (X) A description of the proposed contact, including
19 the location, frequency, duration, and supervisory
20 arrangement;

21 (XI) The child's preference and relative comfort level
22 with the proposed contact, when age-appropriate;

23 (XII) The parent's or legal guardian's preference
24 regarding the proposed contact; and

25 (XIII) The qualified practitioner's opinion, along
26 with the basis for that opinion, as to whether the proposed
27 contact would likely pose significant risk of emotional or
28 physical harm to the child.

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30 The written report of the assessment must be given to the
31 commission.

1 b. A recommendation made as a part of the
2 risk-assessment report as to whether supervised contact with
3 the child should be approved;

4 c. A written consent signed by the child's parent or
5 legal guardian, if the parent or legal guardian is not the sex
6 offender, agreeing to the sex offender having supervised
7 contact with the child after receiving full disclosure of the
8 sex offender's present legal status, past criminal history,
9 and the results of the risk assessment. The commission may not
10 approve contact with the child if the parent or legal guardian
11 refuses to give written consent for supervised contact;

12 d. A safety plan prepared by the qualified
13 practitioner, who provides treatment to the offender, in
14 collaboration with the sex offender, the child's parent or
15 legal guardian, and the child, when age appropriate, which
16 details the acceptable conditions of contact between the sex
17 offender and the child. The safety plan must be reviewed and
18 approved by the Department of Corrections before being
19 submitted to the commission; and

20 e. Evidence that the child's parent or legal guardian,
21 if the parent or legal guardian is not the sex offender,
22 understands the need for and agrees to the safety plan and has
23 agreed to provide, or to designate another adult to provide,
24 constant supervision any time the child is in contact with the
25 offender.

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27 The commission may not appoint a person to conduct a risk
28 assessment and may not accept a risk assessment from a person
29 who has not demonstrated to the commission that he or she has
30 met the requirements of a qualified practitioner as defined in
31 this section.

1 6. If the victim was under age 18, a prohibition on
2 working for pay or as a volunteer at any school, day care
3 center, park, playground, pet store, library, zoo, theme park,
4 or other place where children regularly congregate, as
5 prescribed by the commission.

6 7. If the victim was under the age of 18, a
7 prohibition against entering a public library without
8 immediately notifying an employee of the library of the sex
9 offender's presence and intent to use the resources of the
10 library. As used in this subparagraph, the term "immediately"
11 means moving from the entrance of the public library in a
12 straight line to the nearest work station occupied by an
13 employee of the public library. The sex offender may not move
14 from that work station until the employee acknowledges the
15 presence of the sex offender. Any sex offender who violates
16 this subparagraph commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 ~~8.7.~~ Unless otherwise indicated in the treatment plan
20 provided by the sexual offender treatment program, a
21 prohibition on viewing, owning, or possessing any obscene,
22 pornographic, or sexually stimulating visual or auditory
23 material, including telephone, electronic media, computer
24 programs, or computer services that are relevant to the
25 offender's deviant behavior pattern.

26 ~~9.8.~~ Effective for a releasee whose crime is committed
27 on or after July 1, 2005, a prohibition on accessing the
28 Internet or other computer services until the offender's sex
29 offender treatment program, after a risk assessment is
30 completed, approves and implements a safety plan for the
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1 offender's accessing or using the Internet or other computer
2 services.

3 ~~10.9.~~ A requirement that the releasee must submit two
4 specimens of blood to the Florida Department of Law
5 Enforcement to be registered with the DNA database.

6 ~~11.10.~~ A requirement that the releasee make
7 restitution to the victim, as determined by the sentencing
8 court or the commission, for all necessary medical and related
9 professional services relating to physical, psychiatric, and
10 psychological care.

11 ~~12.11.~~ Submission to a warrantless search by the
12 community control or probation officer of the probationer's or
13 community controllee's person, residence, or vehicle.

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

16 948.30 Additional terms and conditions of probation or
17 community control for certain sex offenses.--Conditions
18 imposed pursuant to this section do not require oral
19 pronouncement at the time of sentencing and shall be
20 considered standard conditions of probation or community
21 control for offenders specified in this section.

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

28 (a) A mandatory curfew from 10 p.m. to 6 a.m. The
29 court may designate another 8-hour period if the offender's
30 employment precludes the above specified time, and the
31 alternative is recommended by the Department of Corrections.

1 If the court determines that imposing a curfew would endanger
2 the victim, the court may consider alternative sanctions.

3 (b) If the victim was under the age of 18, a
4 prohibition on living within 1,000 feet of a school, day care
5 center, park, playground, or other place where children
6 regularly congregate, as prescribed by the court. The
7 1,000-foot distance shall be measured in a straight line from
8 the offender's place of residence to the nearest boundary line
9 of the school, day care center, park, playground, or other
10 place where children congregate. The distance may not be
11 measured by a pedestrian route or automobile route.

12 (c) Active participation in and successful completion
13 of a sex offender treatment program with qualified
14 practitioners specifically trained to treat sex offenders, at
15 the probationer's or community controllee's own expense. If a
16 qualified practitioner is not available within a 50-mile
17 radius of the probationer's or community controllee's
18 residence, the offender shall participate in other appropriate
19 therapy.

20 (d) A prohibition on any contact with the victim,
21 directly or indirectly, including through a third person,
22 unless approved by the victim, the offender's therapist, and
23 the sentencing court.

24 (e) If the victim was under the age of 18, a
25 prohibition on contact with a child under the age of 18 except
26 as provided in this paragraph. The court may approve
27 supervised contact with a child under the age of 18 if the
28 approval is based upon a recommendation for contact issued by
29 a qualified practitioner who is basing the recommendation on a
30 risk assessment. Further, the sex offender must be currently
31 enrolled in or have successfully completed a sex offender

1 | therapy program. The court may not grant supervised contact
2 | with a child if the contact is not recommended by a qualified
3 | practitioner and may deny supervised contact with a child at
4 | any time. When considering whether to approve supervised
5 | contact with a child, the court must review and consider the
6 | following:

7 | 1. A risk assessment completed by a qualified
8 | practitioner. The qualified practitioner must prepare a
9 | written report that must include the findings of the
10 | assessment and address each of the following components:

11 | a. The sex offender's current legal status;

12 | b. The sex offender's history of adult charges with
13 | apparent sexual motivation;

14 | c. The sex offender's history of adult charges without
15 | apparent sexual motivation;

16 | d. The sex offender's history of juvenile charges,
17 | whenever available;

18 | e. The sex offender's offender treatment history,
19 | including consultations with the sex offender's treating, or
20 | most recent treating, therapist;

21 | f. The sex offender's current mental status;

22 | g. The sex offender's mental health and substance
23 | abuse treatment history as provided by the Department of
24 | Corrections;

25 | h. The sex offender's personal, social, educational,
26 | and work history;

27 | i. The results of current psychological testing of the
28 | sex offender if determined necessary by the qualified
29 | practitioner;

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1 j. A description of the proposed contact, including
2 the location, frequency, duration, and supervisory
3 arrangement;

4 k. The child's preference and relative comfort level
5 with the proposed contact, when age appropriate;

6 l. The parent's or legal guardian's preference
7 regarding the proposed contact; and

8 m. The qualified practitioner's opinion, along with
9 the basis for that opinion, as to whether the proposed contact
10 would likely pose significant risk of emotional or physical
11 harm to the child.

12
13 The written report of the assessment must be given to the
14 court;

15 2. A recommendation made as a part of the risk
16 assessment report as to whether supervised contact with the
17 child should be approved;

18 3. A written consent signed by the child's parent or
19 legal guardian, if the parent or legal guardian is not the sex
20 offender, agreeing to the sex offender having supervised
21 contact with the child after receiving full disclosure of the
22 sex offender's present legal status, past criminal history,
23 and the results of the risk assessment. The court may not
24 approve contact with the child if the parent or legal guardian
25 refuses to give written consent for supervised contact;

26 4. A safety plan prepared by the qualified
27 practitioner, who provides treatment to the offender, in
28 collaboration with the sex offender, the child's parent or
29 legal guardian, if the parent or legal guardian is not the sex
30 offender, and the child, when age appropriate, which details
31 the acceptable conditions of contact between the sex offender

1 and the child. The safety plan must be reviewed and approved
2 by the court; and

3 5. Evidence that the child's parent or legal guardian
4 understands the need for and agrees to the safety plan and has
5 agreed to provide, or to designate another adult to provide,
6 constant supervision any time the child is in contact with the
7 offender.

8
9 The court may not appoint a person to conduct a risk
10 assessment and may not accept a risk assessment from a person
11 who has not demonstrated to the court that he or she has met
12 the requirements of a qualified practitioner as defined in
13 this section.

14 (f) If the victim was under age 18, a prohibition on
15 working for pay or as a volunteer at any place where children
16 regularly congregate, including, but not limited to, schools,
17 day care centers, parks, playgrounds, pet stores, libraries,
18 zoos, theme parks, and malls.

19 (g) If the victim was under the age of 18, a
20 prohibition against entering a public library without
21 immediately notifying an employee of the library of the sex
22 offender's presence and intent to use the resources of the
23 library. As used in this paragraph, the term "immediately"
24 means moving from the entrance of the public library in a
25 straight line to the nearest work station occupied by an
26 employee of the public library. The sex offender may not move
27 from that work station until the employee acknowledges the
28 presence of the sex offender. Any sex offender who violates
29 this paragraph commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 ~~(h)(g)~~ Unless otherwise indicated in the treatment
2 plan provided by the sexual offender treatment program, a
3 prohibition on viewing, accessing, owning, or possessing any
4 obscene, pornographic, or sexually stimulating visual or
5 auditory material, including telephone, electronic media,
6 computer programs, or computer services that are relevant to
7 the offender's deviant behavior pattern.

8 ~~(i)(h)~~ Effective for probationers and community
9 controllees whose crime is committed on or after July 1, 2005,
10 a prohibition on accessing the Internet or other computer
11 services until the offender's sex offender treatment program,
12 after a risk assessment is completed, approves and implements
13 a safety plan for the offender's accessing or using the
14 Internet or other computer services.

15 ~~(j)(i)~~ A requirement that the probationer or community
16 controllee must submit a specimen of blood or other approved
17 biological specimen to the Department of Law Enforcement to be
18 registered with the DNA data bank.

19 ~~(k)(j)~~ A requirement that the probationer or community
20 controllee make restitution to the victim, as ordered by the
21 court under s. 775.089, for all necessary medical and related
22 professional services relating to physical, psychiatric, and
23 psychological care.

24 ~~(l)(k)~~ Submission to a warrantless search by the
25 community control or probation officer of the probationer's or
26 community controllee's person, residence, or vehicle.

27 Section 3. This act shall take effect July 1, 2006.
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SENATE SUMMARY

Prohibits certain specified sexual offenders whose victim was under the age of 18 from entering a public library without immediately notifying an employee of the public library of the sex offender's presence and intent to use the resources of the library. Defines the term "immediately." Prohibits the sex offender from entering the library until the employee acknowledges the presence of the sex offender. Provides that a sex offender who violates the act commits a felony of the third degree. Provides criminal penalties.