

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Simmons and Brandenburg offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (f) and (g) of subsection (2), paragraph (a) of subsection (7), and paragraph (b) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.--

(2) DEFINITIONS.--As used in this section, the term:

(f) "Permanent residence" means a place where the person abides, lodges, or resides for 5 ~~14~~ or more consecutive days.

(g) "Temporary residence" means a place where the person abides, lodges, or resides for a period of 5 ~~14~~ or more days in the aggregate during any calendar year and which is not the person's permanent address, or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for

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18 any period of time in this state, ~~or a place where the person~~
19 ~~routinely abides, lodges, or resides for a period of 4 or more~~
20 ~~consecutive or nonconsecutive days in any month and which is not~~
21 ~~the person's permanent residence, including any out of state~~
22 ~~address.~~

23 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

24 (a) Law enforcement agencies must inform members of the
25 community and the public of a sexual predator's presence. Upon
26 notification of the presence of a sexual predator, the sheriff
27 of the county or the chief of police of the municipality where
28 the sexual predator establishes or maintains a permanent or
29 temporary residence shall notify members of the community and
30 the public of the presence of the sexual predator in a manner
31 deemed appropriate by the sheriff or the chief of police. Within
32 48 hours after receiving notification of the presence of a
33 sexual predator, the sheriff of the county or the chief of
34 police of the municipality where the sexual predator temporarily
35 or permanently resides shall notify each licensed day care
36 center, elementary school, middle school, ~~and~~ high school, and
37 library within a 1-mile radius of the temporary or permanent
38 residence of the sexual predator of the presence of the sexual
39 predator. Information provided to members of the community and
40 the public regarding a sexual predator must include:

- 41 1. The name of the sexual predator;
- 42 2. A description of the sexual predator, including a
43 photograph;
- 44 3. The sexual predator's current address, including the
45 name of the county or municipality if known;

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46 4. The circumstances of the sexual predator's offense or
47 offenses; and

48 5. Whether the victim of the sexual predator's offense or
49 offenses was, at the time of the offense, a minor or an adult.

50

51 This paragraph does not authorize the release of the name of any
52 victim of the sexual predator.

53 (10) PENALTIES.--

54 (b) A sexual predator who has been convicted of or found
55 to have committed, or has pled nolo contendere or guilty to,
56 regardless of adjudication, any violation, or attempted
57 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
58 victim is a minor and the defendant is not the victim's parent;
59 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.
60 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation
61 of a similar law of another jurisdiction, when the victim of the
62 offense was a minor, and who works, whether for compensation or
63 as a volunteer, at any ~~business~~, school, day care center, park,
64 playground, library, or business or other place where children
65 regularly congregate, commits a felony of the third degree,
66 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

67 Section 2. Section 775.215, Florida Statutes, is created
68 to read:

69 775.215 Residency exclusions for sexual offenders or
70 predators; local ordinances preempted.--

71 (1) The establishment of residency exclusions applicable
72 to the residences of a person required to register as a sexual
73 offender or sexual predator is expressly preempted to the state,
74 and the provisions of ss. 794.065, 947.1405, and 948.30

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75 establishing such exclusions supersede any municipal or county
76 ordinances imposing different exclusions.

77 (2) A provision of any ordinance adopted by a county or
78 municipality prior to October 1, 2006, imposing residency
79 exclusions for the residences of persons subject to the
80 provisions of s. 794.065, s. 947.1405, or s. 948.30 is hereby
81 repealed and abolished as of October 1, 2006.

82 Section 3. Subsection (2) of section 775.24, Florida
83 Statutes, is amended to read:

84 775.24 Duty of the court to uphold laws governing sexual
85 predators and sexual offenders.--

86 (2) If a person meets the criteria in this chapter for
87 designation as a sexual predator or meets the criteria in s.
88 943.0435, s. 944.606, s. 944.607, or any other law for
89 classification as a sexual offender, the court may not enter an
90 order, for the purpose of approving a plea agreement or for any
91 other reason, which:

92 (a) Exempts a person who meets the criteria for
93 designation as a sexual predator or classification as a sexual
94 offender from such designation or classification, ~~or~~ exempts
95 such person from the requirements for registration or community
96 and public notification imposed upon sexual predators and sexual
97 offenders, or exempts such person from the residency exclusions
98 contained in ss. 794.065, 947.1405, and 948.30;

99 (b) Restricts the compiling, reporting, or release of
100 public records information that relates to sexual predators or
101 sexual offenders; or

102 (c) Prevents any person or entity from performing its
103 duties or operating within its statutorily conferred authority
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104 as such duty or authority relates to sexual predators or sexual
105 offenders.

106 Section 4. Section 794.065, Florida Statutes, is amended
107 to read:

108 794.065 Unlawful place of residence for persons convicted
109 of certain sex offenses.--

110 (1) (a)1. It is unlawful for any person who has been
111 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
112 or s. 847.0145, regardless of whether adjudication has been
113 withheld, in which the victim of the offense was less than 16
114 years of age, to reside within 1,000 feet of any school, day
115 care center, park, or playground.

116 2. A person who violates this subsection ~~section~~ and whose
117 conviction for an offense listed in subparagraph 1. ~~under s.~~
118 ~~794.011, s. 800.04, s. 827.071, or s. 847.0145~~ was classified
119 as:

120 a. A felony of the first degree or higher, commits a
121 felony of the third degree, punishable as provided in s. 775.082
122 or s. 775.083. ~~A person who violates this section and whose~~
123 ~~conviction under s. 794.011, s. 800.04, s. 827.071, or s.~~
124 ~~847.0145 was classified as~~

125 b. A felony of the second or third degree, commits a
126 misdemeanor of the first degree, punishable as provided in s.
127 775.082 or s. 775.083.

128 (b)(2) This subsection ~~section~~ applies to any person
129 convicted of an offense listed in subparagraph 1. if the offense
130 occurred ~~a violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
131 ~~847.0145 for offenses that occur~~ on or after October 1, 2004.

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132 (2) (a) 1. It is unlawful for any person who has been
133 convicted of a violation of s. 787.01(3) (a) 2., 3., 4., or 5., s.
134 787.02(3) (a) 2., 3., 4., or 5., s. 794.011, s. 800.04, s.
135 827.071, or s. 847.0145, regardless of whether adjudication has
136 been withheld, in which the victim of the offense was less than
137 16 years of age, to reside within 1,500 feet of any school, day
138 care center, park, playground, library, or other business or
139 place where children regularly congregate.

140 2. A person violating this subsection whose conviction of
141 an offense listed in subparagraph 1. was classified as:

142 a. A felony of the first degree or higher, commits a
143 felony of the third degree, punishable as provided in s. 775.082
144 or s. 775.083.

145 b. A felony of the second or third degree, commits a
146 misdemeanor of the first degree, punishable as provided in s.
147 775.082 or s. 775.083.

148 (b) The distances in this subsection shall be measured in
149 a straight line from the offender's place of residence to the
150 nearest boundary line of the school, day care center, park,
151 playground, library, or other business or place where children
152 regularly congregate. The distance may not be measured by a
153 pedestrian route or automobile route.

154 (c) This subsection applies to any person convicted of an
155 offense listed in subparagraph (a) 1. if the offense occurred on
156 or after October 1, 2006.

157 Section 5. Effective July 1, 2006, subsections (2) and (6)
158 and paragraph (a) of subsection (7) of section 947.1405, Florida
159 Statutes, are amended, and subsection (11) is added to that
160 section, to read:

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161 947.1405 Conditional release program.--

162 (2) (a) Any inmate who:

163 1.(a) Is convicted of a crime committed on or after
164 October 1, 1988, and before January 1, 1994; ~~and any inmate who~~
165 is convicted of a crime committed on or after January 1, 1994,
166 which crime is or was contained in category 1, category 2,
167 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
168 Rules of Criminal Procedure (1993), and who has served at least
169 one prior felony commitment at a state or federal correctional
170 institution; or is convicted under any of the following
171 statutory provisions committed on or after July 1, 2006:

172 a. Kidnapping, under s. 787.01(3)(a)2., 3., 4., or 5.;

173 b. False imprisonment, under s. 787.02(3)(a)2., 3., 4., or
174 5.;

175 c. Sexual performance by a child, under s. 827.071; or

176 d. Selling or buying of minors, under s. 847.0145;

177 2.(b) Is sentenced as a habitual or violent habitual
178 offender or a violent career criminal pursuant to s. 775.084; or

179 3.(e) Is found to be a sexual predator under s. 775.21 or
180 former s. 775.23,

181
182 shall, upon reaching the tentative release date or provisional
183 release date, whichever is earlier, as established by the
184 Department of Corrections, be released under supervision subject
185 to specified terms and conditions, including payment of the cost
186 of supervision pursuant to s. 948.09. Such supervision shall be
187 applicable to all sentences within the overall term of sentences
188 if an inmate's overall term of sentences includes one or more

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189 sentences that are eligible for conditional release supervision
190 as provided herein.

191 (b) Effective July 1, 1994, and applicable for offenses
192 committed on or after that date, the commission may require, as
193 a condition of conditional release, that the releasee make
194 payment of the debt due and owing to a county or municipal
195 detention facility under s. 951.032 for medical care, treatment,
196 hospitalization, or transportation received by the releasee
197 while in that detention facility. The commission, in determining
198 whether to order such repayment and the amount of such
199 repayment, shall consider the amount of the debt, whether there
200 was any fault of the institution for the medical expenses
201 incurred, the financial resources of the releasee, the present
202 and potential future financial needs and earning ability of the
203 releasee, and dependents, and other appropriate factors.

204 (c) If any inmate, other than an inmate required to
205 register as a sexual predator under s. 775.21 or as a sexual
206 offender under s. 943.0435, placed on conditional release
207 supervision is also subject to probation or community control,
208 resulting from a probationary or community control split
209 sentence within the overall term of sentences, the Department of
210 Corrections shall supervise such person according to the
211 conditions imposed by the court and the commission shall defer
212 to such supervision. If the court revokes probation or community
213 control and resentences the offender to a term of incarceration,
214 such revocation also constitutes a sufficient basis for the
215 revocation of the conditional release supervision on any
216 nonprobationary or noncommunity control sentence without further
217 hearing by the commission. If any such supervision on any

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218 nonprobationary or noncommunity control sentence is revoked,
219 such revocation may result in a forfeiture of all gain-time, and
220 the commission may revoke the resulting deferred conditional
221 release supervision or take other action it considers
222 appropriate. If the term of conditional release supervision
223 exceeds that of the probation or community control, then, upon
224 expiration of the probation or community control, authority for
225 the supervision shall revert to the commission and the
226 supervision shall be subject to the conditions imposed by the
227 commission.

228 (d) If any inmate required to register as a sexual
229 predator under s. 775.21 or as a sexual offender under s.
230 943.0435 is placed on conditional release supervision is also
231 subject to probation or community control, the period of court-
232 ordered community supervision shall not be substituted for
233 conditional release supervision and shall follow the term of
234 conditional release supervision.

235 (e) A panel of no fewer than two commissioners shall
236 establish the terms and conditions of any such release. If the
237 offense was a controlled substance violation, the conditions
238 shall include a requirement that the offender submit to random
239 substance abuse testing intermittently throughout the term of
240 conditional release supervision, upon the direction of the
241 correctional probation officer as defined in s. 943.10(3). The
242 commission shall also determine whether the terms and conditions
243 of such release have been violated and whether such violation
244 warrants revocation of the conditional release.

245 (6) The commission shall review the recommendations of the
246 department, and such other information as it deems relevant, and
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247 | may conduct a review of the inmate's record for the purpose of
248 | establishing the terms and conditions of the conditional
249 | release. The commission may impose any special conditions it
250 | considers warranted from its review of the release plan and
251 | recommendation. If the commission determines that the inmate is
252 | eligible for release under this section, the commission shall
253 | enter an order establishing the length of supervision and the
254 | conditions attendant thereto. However, an inmate who has been
255 | convicted of a violation of chapter 794 or found by the court to
256 | be a sexual predator is subject to the maximum level of
257 | supervision provided, with the mandatory conditions as required
258 | in subsection (7), and that supervision shall continue through
259 | the end of the releasee's original court-imposed sentence. The
260 | length of supervision must not exceed the maximum penalty
261 | imposed by the court. The commission may modify the conditions
262 | of supervision at any time as warranted in the interest of
263 | public safety.

264 | (7) (a) Any inmate who is convicted of a crime committed on
265 | or after October 1, 1995, or who has been previously convicted
266 | of a crime committed on or after October 1, 1995, in violation
267 | of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
268 | subject to conditional release supervision, shall have, in
269 | addition to any other conditions imposed, the following special
270 | conditions imposed by the commission:

271 | 1. A mandatory curfew from 10 p.m. to 6 a.m. The
272 | commission may designate another 8-hour period if the offender's
273 | employment precludes the above specified time, and such
274 | alternative is recommended by the Department of Corrections. If

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275 | the commission determines that imposing a curfew would endanger
276 | the victim, the commission may consider alternative sanctions.

277 | 2.a. If the victim was under the age of 18, a prohibition
278 | on living within 1,000 feet of a school, day care center, park,
279 | playground, designated public school bus stop, or other place
280 | where children regularly congregate. A releasee who is subject
281 | to this subparagraph may not relocate to a residence that is
282 | within 1,000 feet of a public school bus stop.

283 | b. Beginning October 1, 2004, the commission or the
284 | department may not approve a residence that is located within
285 | 1,000 feet of a school, day care center, park, playground,
286 | designated school bus stop, or other place where children
287 | regularly congregate for any releasee who is subject to this
288 | subparagraph. On October 1, 2004, the department shall notify
289 | each affected school district of the location of the residence
290 | of a releasee 30 days prior to release and thereafter, if the
291 | releasee relocates to a new residence, shall notify any affected
292 | school district of the residence of the releasee within 30 days
293 | after relocation. If, on October 1, 2004, any public school bus
294 | stop is located within 1,000 feet of the existing residence of
295 | such releasee, the district school board shall relocate that
296 | school bus stop. Beginning October 1, 2004, a district school
297 | board may not establish or relocate a public school bus stop
298 | within 1,000 feet of the residence of a releasee who is subject
299 | to this subparagraph. The failure of the district school board
300 | to comply with this subparagraph shall not result in a violation
301 | of conditional release supervision.

302 | c. Beginning October 1, 2006, neither the commission nor
303 | the department may approve a residence located within 1,500 feet
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304 of a school, day care center, park, playground, designated
305 school bus stop, library, or other business or place where
306 children regularly congregate for any releasee who is subject to
307 this subparagraph. The distance provided in this sub-
308 subparagraph shall be measured in a straight line from the
309 offender's place of residence to the nearest boundary line of
310 the school, day care center, park, playground, library, or other
311 business or place where children regularly congregate. The
312 distance may not be measured by a pedestrian route or automobile
313 route.

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

320 4. A prohibition on any contact with the victim, directly
321 or indirectly, including through a third person, unless approved
322 by the victim, the offender's therapist, and the sentencing
323 court.

324 5. If the victim was under the age of 18, a prohibition
325 against contact with children under the age of 18 without review
326 and approval by the commission. The commission may approve
327 supervised contact with a child under the age of 18 if the
328 approval is based upon a recommendation for contact issued by a
329 qualified practitioner who is basing the recommendation on a
330 risk assessment. Further, the sex offender must be currently
331 enrolled in or have successfully completed a sex offender
332 therapy program. The commission may not grant supervised contact

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333 with a child if the contact is not recommended by a qualified
334 practitioner and may deny supervised contact with a child at any
335 time. When considering whether to approve supervised contact
336 with a child, the commission must review and consider the
337 following:

338 a. A risk assessment completed by a qualified
339 practitioner. The qualified practitioner must prepare a written
340 report that must include the findings of the assessment and
341 address each of the following components:

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

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

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

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

349 (V) The sex offender's offender treatment history,
350 including a consultation from the sex offender's treating, or
351 most recent treating, therapist;

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

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

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

357 (IX) The results of current psychological testing of the
358 sex offender if determined necessary by the qualified
359 practitioner;

360 (X) A description of the proposed contact, including the
361 location, frequency, duration, and supervisory arrangement;

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

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

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

370

371 The written report of the assessment must be given to the
372 commission.

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

376 c. A written consent signed by the child's parent or legal
377 guardian, if the parent or legal guardian is not the sex
378 offender, agreeing to the sex offender having supervised contact
379 with the child after receiving full disclosure of the sex
380 offender's present legal status, past criminal history, and the
381 results of the risk assessment. The commission may not approve
382 contact with the child if the parent or legal guardian refuses
383 to give written consent for supervised contact;

384 d. A safety plan prepared by the qualified practitioner,
385 who provides treatment to the offender, in collaboration with
386 the sex offender, the child's parent or legal guardian, and the
387 child, when age appropriate, which details the acceptable
388 conditions of contact between the sex offender and the child.
389 The safety plan must be reviewed and approved by the Department
390 of Corrections before being submitted to the commission; and

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391 e. Evidence that the child's parent or legal guardian, if
392 the parent or legal guardian is not the sex offender,
393 understands the need for and agrees to the safety plan and has
394 agreed to provide, or to designate another adult to provide,
395 constant supervision any time the child is in contact with the
396 offender.

397
398 The commission may not appoint a person to conduct a risk
399 assessment and may not accept a risk assessment from a person
400 who has not demonstrated to the commission that he or she has
401 met the requirements of a qualified practitioner as defined in
402 this section.

403 6. If the victim was under age 18, a prohibition on
404 working for pay or as a volunteer at any school, day care
405 center, park, playground, library, or other business or place
406 where children regularly congregate, as prescribed by the
407 commission.

408 7. Unless otherwise indicated in the treatment plan
409 provided by the sexual offender treatment program, a prohibition
410 on viewing, owning, or possessing any obscene, pornographic, or
411 sexually stimulating visual or auditory material, including
412 telephone, electronic media, computer programs, or computer
413 services that are relevant to the offender's deviant behavior
414 pattern.

415 8. Effective for a releasee whose crime is committed on or
416 after July 1, 2005, a prohibition on accessing the Internet or
417 other computer services until the offender's sex offender
418 treatment program, after a risk assessment is completed,

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419 approves and implements a safety plan for the offender's
420 accessing or using the Internet or other computer services.

421 9. A requirement that the releasee must submit two
422 specimens of blood to the Florida Department of Law Enforcement
423 to be registered with the DNA database.

424 10. A requirement that the releasee make restitution to
425 the victim, as determined by the sentencing court or the
426 commission, for all necessary medical and related professional
427 services relating to physical, psychiatric, and psychological
428 care.

429 11. Submission to a warrantless search by the community
430 control or probation officer of the probationer's or community
431 controllee's person, residence, or vehicle.

432 (11) Effective for a releasee whose crime was a violation
433 of s. 787.01(3)(a)2., 3., 4., or 5. or s. 787.02(3)(a)2., 3.,
434 4., or 5., who committed the offense on or after October 1,
435 2006, and who was 18 years of age or older at the time of the
436 offense, in addition to any other provision of this section, the
437 commission must order electronic monitoring for the duration of
438 the releasee's supervision.

439 Section 6. Effective July 1, 2006, subsection (8) is added
440 to section 947.141, Florida Statutes, to read:

441 947.141 Violations of conditional release, control
442 release, or conditional medical release or addiction-recovery
443 supervision.--

444 (8) Because of the compelling state interest in protecting
445 the public from sexual offenders or sexual predators granted the
446 privilege of conditional release, in any hearing alleging a
447 violation of conditional release by a releasee for failure to

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448 comply with the residency exclusion in s. 947.1405, the
449 inability of the releasee to locate a residence in compliance
450 with s. 947.1405 shall not be a defense to the finding of a
451 violation under this section.

452 Section 7. Subsection (4) of section 948.06, Florida
453 Statutes, is amended to read:

454 948.06 Violation of probation or community control;
455 revocation; modification; continuance; failure to pay
456 restitution or cost of supervision.--

457 (4) Notwithstanding any other provision of this section, a
458 probationer or an offender in community control who is arrested
459 for violating his or her probation or community control in a
460 material respect may be taken before the court in the county or
461 circuit in which the probationer or offender was arrested. That
462 court shall advise him or her of such charge of a violation and,
463 if such charge is admitted, shall cause him or her to be brought
464 before the court which granted the probation or community
465 control. If such violation is not admitted by the probationer or
466 offender, the court may commit him or her or release him or her
467 with or without bail to await further hearing. However, if the
468 probationer or offender is under supervision for any criminal
469 offense proscribed in chapter 794, s. 800.04(4), (5), (6), s.
470 827.071, or s. 847.0145, or is a registered sexual predator or a
471 registered sexual offender, or is under supervision for a
472 criminal offense for which he or she would meet the registration
473 criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the
474 effective date of those sections, the court must make a finding
475 that the probationer or offender poses no ~~is not~~ a danger to the
476 public prior to release with or without bail. In determining

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477 | that the offender poses no danger to the public ~~the danger posed~~
478 | ~~by the offender's or probationer's release,~~ the court may
479 | consider the nature and circumstances of the violation and any
480 | new offenses charged; the offender's or probationer's past and
481 | present conduct, including convictions of crimes; any record of
482 | arrests without conviction for crimes involving violence or
483 | sexual crimes; any other evidence of allegations of unlawful
484 | sexual conduct or the use of violence by the offender or
485 | probationer; the offender's or probationer's family ties, length
486 | of residence in the community, employment history, and mental
487 | condition; his or her history and conduct during the probation
488 | or community control supervision from which the violation arises
489 | and any other previous supervisions, including disciplinary
490 | records of previous incarcerations; the likelihood that the
491 | offender or probationer will engage again in a criminal course
492 | of conduct; the weight of the evidence against the offender or
493 | probationer; whether the probationer is currently subject to
494 | electronic monitoring; and any other facts the court considers
495 | relevant. The court, as soon as is practicable, shall give the
496 | probationer or offender an opportunity to be fully heard on his
497 | or her behalf in person or by counsel. After such hearing, the
498 | court shall make findings of fact and forward the findings to
499 | the court which granted the probation or community control and
500 | to the probationer or offender or his or her attorney. The
501 | findings of fact by the hearing court are binding on the court
502 | which granted the probation or community control. Upon the
503 | probationer or offender being brought before it, the court which
504 | granted the probation or community control may revoke, modify,

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505 or continue the probation or community control or may place the
506 probationer into community control as provided in this section.

507 Section 8. Section 948.063, Florida Statutes, is amended
508 to read:

509 948.063 Violations of probation or community control by
510 designated sexual offenders and sexual predators.--

511 (1) If probation or community control for any felony
512 offense is revoked by the court pursuant to s. 948.06(2)(e) and
513 the offender is required to register ~~designated~~ as a ~~sexual~~
514 ~~offender or~~ sexual predator ~~under pursuant to~~ s. 775.21 or as a
515 sexual offender under s. 943.0435 or s. 944.607 for unlawful
516 sexual activity involving a victim under 16 ~~15~~ years of age ~~or~~
517 ~~younger~~ and the offender is 18 years of age or older, and if the
518 court imposes a subsequent term of supervision following the
519 revocation of probation or community control, the court must
520 order electronic monitoring as a condition of the subsequent
521 term of probation or community control.

522 (2) If the probationer or offender is required to register
523 as a sexual predator under s. 775.21 or as a sexual offender
524 under s. 943.0435 for unlawful sexual activity involving a
525 victim under 16 years of age and the probationer or offender is
526 18 years of age or older and has violated the conditions of his
527 or her probation or community control, but the court does not
528 revoke the probation or community control, the court shall
529 nevertheless modify the probation or community control to
530 include electronic monitoring for any probationer or offender
531 not then subject to electronic monitoring.

532 Section 9. Effective September 1, 2006, paragraph (b) of
533 subsection (1) and subsection (3) of section 948.30, Florida
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534 Statutes, are amended, and subsection (4) is added to that
535 section, to read:

536 948.30 Additional terms and conditions of probation or
537 community control for certain sex offenses.--Conditions imposed
538 pursuant to this section do not require oral pronouncement at
539 the time of sentencing and shall be considered standard
540 conditions of probation or community control for offenders
541 specified in this section.

542 (1) Effective for probationers or community controllees
543 whose crime was committed on or after October 1, 1995, and who
544 are placed under supervision for violation of chapter 794, s.
545 800.04, s. 827.071, or s. 847.0145, the court must impose the
546 following conditions in addition to all other standard and
547 special conditions imposed:

548 (b) 1. Except as provided in subparagraph 2., if the victim
549 was under the age of 18, a prohibition on living within 1,000
550 feet of a school, day care center, park, playground, or other
551 place where children regularly congregate, as prescribed by the
552 court. The 1,000-foot distance shall be measured in a straight
553 line from the offender's place of residence to the nearest
554 boundary line of the school, day care center, park, playground,
555 or other place where children regularly congregate. The distance
556 may not be measured by a pedestrian route or automobile route.

557 2. For probationers or community controllees whose crime
558 was committed on or after October 1, 2006, if the victim was
559 under the age of 18, a prohibition on living within 1,500 feet
560 of a school, day care center, park, playground, library, or
561 other business or place where children regularly congregate, as
562 prescribed by the court. This distance shall be measured in a

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563 straight line from the offender's place of residence to the
564 nearest boundary line of the school, day care center, park,
565 playground, library, or other business or place where children
566 regularly congregate. The distance may not be measured by a
567 pedestrian route or automobile route.

568 (3) Effective for a probationer or community controllee
569 whose felony offense ~~crime~~ was committed on or after September
570 1, 2005, and who:

571 (a) Is placed on probation or community control for a
572 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
573 or s. 847.0145 and the unlawful sexual activity involved a
574 victim under 16 ~~15~~ years of age ~~or younger~~ and the offender is
575 18 years of age or older;

576 (b) Is designated a sexual predator pursuant to s. 775.21;
577 or

578 (c) Has previously been convicted of a violation of
579 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
580 847.0145 and the unlawful sexual activity involved a victim
581 under 16 ~~15~~ years of age ~~or younger~~ and the offender is 18 years
582 of age or older,

583
584 the court must order, in addition to any other provision of this
585 section, mandatory electronic monitoring as a condition of the
586 probation or community control supervision.

587 (4) Effective for a probationer or community controllee
588 whose felony offense was committed on or after September 1,
589 2006, and who:

590 (a) Is placed on probation or community control for a
591 violation of s. 787.01(3)(a)2., 3., 4., or 5., s.
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592 787.02(3)(a)2., 3., 4., or 5., chapter 794, s. 800.04(4), (5),
593 or (6), s. 827.071, or s. 847.0145 and the unlawful sexual
594 activity involved a victim under 16 years of age and the
595 offender is 18 years of age or older;

596 (b) Is designated a sexual predator pursuant to s. 775.21;
597 or

598 (c) Has previously been convicted of a violation of s.
599 787.01(3)(a)2., 3., 4., or 5., s. 787.02(3)(a)2., 3., 4., or 5.,
600 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
601 847.0145 and the unlawful sexual activity involved a victim
602 under 16 years of age and the offender is 18 years of age or
603 older,

604
605 the court must order, in addition to any other provision of this
606 section, mandatory electronic monitoring as a condition of the
607 probation or community control supervision.

608 Section 10. Except as otherwise expressly provided in this
609 act, this act shall take effect October 1, 2006.

610

611 ===== T I T L E A M E N D M E N T =====

612 Remove the entire title and insert:

613 A bill to be entitled

614 An act relating to sexual offenders and predators;
615 amending s. 775.21, F.S.; redefining the terms "permanent
616 residence" and "temporary residence" in order to reduce
617 the number of consecutive days and days in the aggregate
618 that constitute the residence of a sexual predator for
619 purposes of requirements that the predator register with
620 the Department of Law Enforcement, the sheriff's office,

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621 or the Department of Corrections; revising provisions
622 relating to reimbursement of specified costs by sexual
623 predators; revising provisions relating to the residence
624 of sexual predators; providing penalties; creating s.
625 775.215, F.S.; specifying residency exclusions for sexual
626 offenders or sexual predators; preempting and repealing
627 certain local ordinances; amending s. 775.24, F.S.;
628 revising provisions relating to residency exclusions for
629 sexual predators and sexual offenders; amending s.
630 794.065, F.S.; providing additional residency restrictions
631 on certain offenders; providing penalties; amending s.
632 947.1405, F.S.; providing additional conditional release
633 restrictions for certain offenders; amending s. 947.141,
634 F.S.; revising provisions relating to hearings alleging a
635 violation of community release by specified releasees for
636 failure to comply with specified residency exclusions;
637 amending s. 948.06, F.S.; revising provisions relating to
638 probation or community control for sexual predators and
639 sexual offenders; amending s. 948.063, F.S.; revising
640 provisions relating to violations of probation or
641 community control by designated sexual offenders and
642 sexual predators; amending s. 948.30, F.S.; revising
643 provisions relating to terms and conditions of probation
644 or community control for certain sex offenses; providing
645 effective dates.

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