

By Senator Crist

12-1218-07

See HB 157

1 A bill to be entitled
2 An act relating to sexual offenders and
3 predators; amending s. 775.21, F.S.; revising
4 provisions relating to reporting requirements
5 for sexual predators in transient status;
6 prohibiting sexual predators from loitering or
7 prowling within a specified distance of certain
8 facilities; providing criminal penalties;
9 providing exceptions; amending s. 943.0435,
10 F.S.; revising provisions relating to reporting
11 requirements for sexual offenders in transient
12 status; prohibiting sexual offenders from
13 loitering or prowling within a specified
14 distance of certain facilities; providing
15 criminal penalties; providing exceptions;
16 amending s. 947.1405, F.S.; revising provisions
17 relating to polygraph examinations of specified
18 conditional releasees who have committed
19 specified sexual offenses; providing additional
20 restrictions for certain conditional releasees
21 who committed sexual offenses with minors under
22 the age of 16; amending s. 948.30, F.S.;
23 revising provisions relating to polygraph
24 examinations of specified probationers or
25 community controllees who have committed
26 specified sexual offenses; providing additional
27 restrictions for certain probationers or
28 community controllees who committed sexual
29 offenses with minors under the age of 16;
30 amending s. 948.31, F.S.; deleting a
31 requirement for diagnosis of certain sexual

1 predators and offenders on community control;
2 revising provisions relating to treatment for
3 such offenders and predators; providing an
4 effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Paragraph (g) of subsection (6) of section
9 775.21, Florida Statutes, is amended, and paragraph (h) is
10 added to subsection (10) of that section, to read:

11 775.21 The Florida Sexual Predators Act.--

12 (6) REGISTRATION.--

13 (g)1. Each time a sexual predator's driver's license
14 or identification card is subject to renewal, and, without
15 regard to the status of the predator's driver's license or
16 identification card, within 48 hours after any change of the
17 predator's residence or change in the predator's name by
18 reason of marriage or other legal process, the predator shall
19 report in person to a driver's license office and shall be
20 subject to the requirements specified in paragraph (f). The
21 Department of Highway Safety and Motor Vehicles shall forward
22 to the department and to the Department of Corrections all
23 photographs and information provided by sexual predators.
24 Notwithstanding the restrictions set forth in s. 322.142, the
25 Department of Highway Safety and Motor Vehicles is authorized
26 to release a reproduction of a color-photograph or
27 digital-image license to the Department of Law Enforcement for
28 purposes of public notification of sexual predators as
29 provided in this section.

30 2. A sexual predator who vacates a permanent residence
31 and fails to establish or maintain another permanent or

1 temporary residence shall, within 48 hours after vacating the
2 permanent residence, report in person to the sheriff's office
3 of the county in which he or she is located and report his or
4 her transient status. The sexual predator shall specify the
5 date upon which he or she intends to or did vacate such
6 residence. The sexual predator must provide or update all of
7 the registration information required under paragraph (a). The
8 sexual predator must provide an address for the residence or
9 other location that he or she is or will be occupying during
10 the time in which he or she fails to establish or maintain a
11 permanent or temporary residence. While in transient status,
12 the sexual predator is required to report in person every 2
13 weeks to the sheriff's office of the county in which he or she
14 is located.

15 3. A sexual predator who remains at a permanent
16 residence after reporting his or her intent to vacate such
17 residence shall, within 48 hours after the date upon which the
18 predator indicated he or she would or did vacate such
19 residence, report in person to the sheriff's office to which
20 he or she reported pursuant to subparagraph 2. for the purpose
21 of reporting his or her address at such residence. When the
22 sheriff receives the report, the sheriff shall promptly convey
23 the information to the department. An offender who makes a
24 report as required under subparagraph 2. but fails to make a
25 report as required under this subparagraph commits a felony of
26 the second degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28
29 The sheriff shall promptly provide to the department the
30 information received from the sexual predator.

31 (10) PENALTIES.--

1 (h) A sexual predator who loiters or prowls, as
2 defined in s. 856.021, within 300 feet of a place where
3 children regularly congregate, including, but not limited to,
4 a school, day care center, playground, or park, without a
5 justifiable reason or purpose commits a misdemeanor of the
6 first degree, punishable as provided in s. 775.082 or s.
7 775.083. A sexual predator does not violate this paragraph
8 while he or she is dropping off or picking up his or her own
9 children at school or attending parent conferences or other
10 related activities involving his or her own children.

11 Section 2. Paragraph (b) of subsection (4) of section
12 943.0435, Florida Statutes, is amended, and subsection (15) is
13 added to that section, to read:

14 943.0435 Sexual offenders required to register with
15 the department; penalty.--

16 (4)

17 (b) A sexual offender who vacates a permanent
18 residence and fails to establish or maintain another permanent
19 or temporary residence shall, within 48 hours after vacating
20 the permanent residence, report in person to the sheriff's
21 office of the county in which he or she is located and report
22 his or her transient status. The sexual offender shall specify
23 the date upon which he or she intends to or did vacate such
24 residence. The sexual offender must provide or update all of
25 the registration information required under paragraph (2)(b).
26 The sexual offender must provide an address for the residence
27 or other location that he or she is or will be occupying
28 during the time in which he or she fails to establish or
29 maintain a permanent or temporary residence. While in
30 transient status, the sexual offender is required to report in
31

1 person every 2 weeks to the sheriff's office of the county in
2 which he or she is located.

3 (15) A sexual offender who loiters or prowls, as
4 defined in s. 856.021, within 300 feet of a place where
5 children regularly congregate, including, but not limited to,
6 a school, day care center, playground, or park, without a
7 justifiable reason or purpose commits a misdemeanor of the
8 first degree, punishable as provided in s. 775.082 or s.
9 775.083. A sexual offender does not violate this subsection
10 while he or she is dropping off or picking up his or her own
11 children at school or attending parent conferences or other
12 related activities involving his or her own children.

13 Section 3. Paragraph (b) of subsection (7) of section
14 947.1405, Florida Statutes, is amended, and subsection (11) is
15 added to that section, to read:

16 947.1405 Conditional release program.--

17 (7)

18 (b) For a releasee whose crime was committed on or
19 after October 1, 1997, in violation of chapter 794, s. 800.04,
20 s. 827.071, or s. 847.0145, and who is subject to conditional
21 release supervision, in addition to any other provision of
22 this subsection, the commission shall impose the following
23 additional conditions of conditional release supervision:

24 1. As part of a treatment program, participation in a
25 minimum of one annual polygraph examination to obtain
26 information necessary for risk management and treatment and to
27 reduce the sex offender's denial mechanisms. The polygraph
28 examination must be conducted by a polygrapher trained
29 specifically in the use of the polygraph for the monitoring of
30 sex offenders who has been authorized by the department and
31 approved by the court, where available, and at the expense of

1 the releasee ~~sex-offender~~. The results of the polygraph
2 examination shall be provided to the releasee's probation
3 officer and therapist and shall not be used as evidence in a
4 hearing to prove that a violation of supervision has occurred.

5 2. Maintenance of a driving log and a prohibition
6 against driving a motor vehicle alone without the prior
7 approval of the supervising officer.

8 3. A prohibition against obtaining or using a post
9 office box without the prior approval of the supervising
10 officer.

11 4. If there was sexual contact, a submission to, at
12 the releasee's ~~probationer's or community controllee's~~
13 expense, an HIV test with the results to be released to the
14 victim or the victim's parent or guardian.

15 5. Electronic monitoring of any form when ordered by
16 the commission.

17 (11)(a) Effective July 1, 2007, the commission must,
18 in addition to all other provisions of this section, impose
19 the special conditions set forth in paragraph (b) on the
20 following releasees:

21 1. A releasee whose crime was committed on or after
22 July 1, 2007, in violation of chapter 794; s. 800.04(4), (5),
23 or (6); s. 827.071; or s. 847.0145 in this state or a releasee
24 who has committed on or after that date a similar offense in
25 another jurisdiction when, at the time of the offense, the
26 victim was under 16 years of age and the releasee was 18 years
27 of age or older.

28 2. A releasee who is designated as a sexual predator
29 under s. 775.21.

30 3. A releasee designated as a sexual predator under s.
31 775.21 or subject to registration as a sexual offender

1 pursuant to s. 943.0435 who has committed an offense that
2 would meet the criteria for the designation or registration
3 when at the time of the offense the victim was under 16 years
4 of age and the releasee was 18 years of age or older, who
5 commits a violation of s. 775.21 or s. 943.0435 on or after
6 July 1, 2007, and who is not otherwise subject to this
7 paragraph.

8 (b) The commission must order:

9 1. A prohibition on visiting exclusionary zones such
10 as areas where children regularly congregate, including, but
11 not limited to, schools, day care centers, parks, and
12 playgrounds. The commission may also designate additional
13 exclusionary zones to protect the victim.

14 2. A prohibition on participation in a holiday event
15 involving children under 18 years of age without prior
16 approval from the commission. Such events include distributing
17 candy or other items to children on Halloween, wearing a Santa
18 Claus costume on or preceding Christmas, being employed as a
19 Santa Claus, wearing an Easter Bunny costume on or preceding
20 Easter, entertaining at children's parties, or wearing a clown
21 costume.

22 Section 4. Paragraph (a) of subsection (2) of section
23 948.30, Florida Statutes, is amended, and subsection (4) is
24 added to that section, to read:

25 948.30 Additional terms and conditions of probation or
26 community control for certain sex offenses.--Conditions
27 imposed pursuant to this section do not require oral
28 pronouncement at the time of sentencing and shall be
29 considered standard conditions of probation or community
30 control for offenders specified in this section.
31

1 (2) Effective for a probationer or community
2 controllee whose crime was committed on or after October 1,
3 1997, and who is placed on community control or sex offender
4 probation for a violation of chapter 794, s. 800.04, s.
5 827.071, or s. 847.0145, in addition to any other provision of
6 this section, the court must impose the following conditions
7 of probation or community control:

8 (a) As part of a treatment program, participation at
9 least annually in polygraph examinations to obtain information
10 necessary for risk management and treatment and to reduce the
11 sex offender's denial mechanisms. A polygraph examination must
12 be conducted by a polygrapher trained specifically in the use
13 of the polygraph for the monitoring of sex offenders, who has
14 been authorized by the department and approved by the court,
15 where available, and shall be paid for by the probationer or
16 community controllee ~~sex offender~~. The results of the
17 polygraph examination shall be provided to the probationer's
18 or community controllee's probation officer and therapist and
19 shall not be used as evidence in court to prove that a
20 violation of community supervision has occurred.

21 (4)(a) Effective July 1, 2007, the court must, in
22 addition to all other provisions of this section, impose the
23 special conditions set forth in paragraph (b) on the following
24 probationers or community controllees:

25 1. A probationer or community controllee whose crime
26 was committed on or after July 1, 2007, in violation of
27 chapter 794; s. 800.04(4), (5), or (6); s. 827.071; or s.
28 847.0145 in this state or a probationer or community
29 controllee who has committed on or after that date a similar
30 offense in another jurisdiction when, at the time of the
31 offense, the victim was under 16 years of age and the

1 probationer or community controllee was 18 years of age or
2 older.

3 2. A probationer or community controllee who is
4 designated as a sexual predator under s. 775.21.

5 3. A probationer or community controllee designated as
6 a sexual predator under s. 775.21 or subject to registration
7 as a sexual offender pursuant to s. 943.0435 who has committed
8 an offense that would meet the criteria for the designation or
9 the registration requirement where, at the time of the
10 offense, the victim was under 16 years of age and the
11 probationer or community controllee was 18 years of age or
12 older, who commits a violation of s. 775.21 or s. 943.0435 on
13 or after July 1, 2007, and who is not otherwise subject to
14 this paragraph.

15 (b) The court must order:

16 1. A prohibition on visiting exclusionary zones such
17 as areas where children regularly congregate, including, but
18 not limited to, schools, day care centers, parks, and
19 playgrounds. The court may also designate additional
20 exclusionary zones to protect the victim.

21 2. A prohibition on participation in a holiday event
22 involving children under 18 years of age without prior
23 approval from the court. Such events include distributing
24 candy or other items to children on Halloween, wearing a Santa
25 Claus costume on or preceding Christmas, being employed as a
26 Santa Claus, wearing an Easter Bunny costume on or preceding
27 Easter, entertaining at children's parties, or wearing a clown
28 costume.

29 Section 5. Section 948.31, Florida Statutes, is
30 amended to read:
31

1 948.31 ~~Diagnosis,~~ Evaluation, and treatment of sexual
2 predators and sex offenders placed on probation or community
3 control ~~for certain sex offenses or child exploitation.~~--The
4 court shall require an ~~a diagnosis and~~ evaluation to determine
5 the need of a probationer or community controllee ~~offender in~~
6 ~~community control~~ for treatment. If the court determines that
7 a need therefor is established by the ~~such diagnosis and~~
8 evaluation process, the court shall require sex offender
9 treatment ~~outpatient counseling~~ as a term or condition of
10 probation or community control for any person who meets the
11 criteria to be designated as a sexual predator under s. 775.21
12 or to be subject to registration as a sexual offender under s.
13 943.0435 ~~was found guilty of any of the following, or whose~~
14 ~~plea of guilty or nolo contendere to any of the following was~~
15 ~~accepted by the court:~~

16 (1) ~~Lewd or lascivious battery, lewd or lascivious~~
17 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
18 ~~exhibition, as defined in s. 800.04.~~

19 (2) ~~Sexual battery, as defined in chapter 794, against~~
20 ~~a child.~~

21 (3) ~~Exploitation of a child as provided in s. 450.151,~~
22 ~~or for prostitution.~~

23
24 Such treatment ~~counseling~~ shall be required to be obtained
25 from a qualified practitioner specifically trained to treat
26 sex offenders. The court shall impose a restriction against
27 contact with minors if sex offender treatment is recommended
28 ~~community mental health center, a recognized social service~~
29 ~~agency providing mental health services, or a private mental~~
30 ~~health professional or through other professional counseling.~~
31 The evaluation and recommendations ~~plan~~ for treatment of

1 ~~counseling for~~ the probationer or community controllee
2 ~~individual~~ shall be provided to the court for review.
3 Section 6. This act shall take effect July 1, 2007.
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