

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Simmons offered the following:

2
3 **Substitute Amendment for Amendment (574141) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Effective July 1, 2008, subsection (3) is added
7 to section 257.12, Florida Statutes, to read:

8 257.12 Division of Library and Information Services
9 authorized to accept and expend federal funds.--

10 (3) All public libraries are encouraged to adopt an
11 Internet safety education program, including the implementation
12 of a computer-based educational program, that has been endorsed
13 by a United States government-sanctioned law enforcement agency
14 or other reputable organization and is designed for children and
15 adults. The purpose of the Internet safety education program is
16 to promote the use of prudent online department and broaden

902681

5/1/2008 10:24 PM

Amendment No.

17 awareness of online predators. The program shall be interactive
18 and age appropriate. Each library shall annually report to the
19 division the annual number of users who complete the education
20 program. By April 1, 2009, the division shall adopt rules for
21 rewarding those libraries in the program grant application
22 process which have had 1 percent or more of their annual number
23 of users, based on the total number of registered borrowers from
24 the preceding year, complete the education program adopted by
25 the library. Users completing the program as a result of
26 strategic partnerships or collaboration between the library and
27 other entities shall be integrated into the library's annual
28 report. The division shall adopt rules to, beginning with the
29 grant application cycle for the 2010-2011 fiscal year, allocate
30 10 percent of the total points available in the library services
31 and technology grant application evaluation process to public
32 libraries that are in compliance with this subsection.

33 Section 2. Paragraph (b) of subsection (3) and paragraph
34 (b) of subsection (10) of section 775.21, Florida Statutes, are
35 amended to read:

36 775.21 The Florida Sexual Predators Act.--

37 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
38 INTENT.--

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

43 1. Incarcerating sexual predators and maintaining adequate
44 facilities to ensure that decisions to release sexual predators

902681

5/1/2008 10:24 PM

Amendment No.

45 into the community are not made on the basis of inadequate
46 space.

47 2. Providing for specialized supervision of sexual
48 predators who are in the community by specially trained
49 probation officers with low caseloads, as described in ss.
50 947.1405(7) and 948.30. The sexual predator is subject to
51 specified terms and conditions implemented at sentencing or at
52 the time of release from incarceration, with a requirement that
53 only those sexual predators found to be indigent may defer
54 payment pursuant to s. 28.246 of all or part of the costs in
55 accordance with the provisions of that section ~~who are~~
56 ~~financially able must pay all or part of the costs of~~
57 ~~supervision.~~

58 3. Requiring the registration of sexual predators, with a
59 requirement that complete and accurate information be maintained
60 and accessible for use by law enforcement authorities,
61 communities, and the public.

62 4. Providing for community and public notification
63 concerning the presence of sexual predators.

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

66 (10) PENALTIES.--

67 (b) A sexual predator who has been convicted of or found
68 to have committed, or has pled nolo contendere or guilty to,
69 regardless of adjudication, any violation, or attempted
70 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
71 the victim is a minor and the defendant is not the victim's
72 parent or guardian; s. 794.011(2), (3), (4), (5), or (8) ~~s.~~

902681

5/1/2008 10:24 PM

Amendment No.

73 ~~794.011, excluding s. 794.011(10);~~ s. 794.05; s. 796.03; s.
74 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or s.
75 985.701(1); or a violation of a similar law of another
76 jurisdiction when the victim of the offense was a minor, and who
77 works, whether for compensation or as a volunteer, at any
78 business where children regularly congregate, school, child care
79 facility ~~day-care center~~, park as defined in s. 794.0701,
80 playground, or other place where children regularly congregate,
81 commits a felony of the third degree, punishable as provided in
82 s. 775.082, s. 775.083, or s. 775.084.

83 Section 3. Section 775.215, Florida Statutes, is created
84 to read:

85 775.215 Residency distance limitations for persons
86 convicted of certain sexual offenses; certain local ordinances
87 preempted and repealed.--The adoption of residency distance
88 limitations for persons convicted of sexual offenses, including,
89 but not limited to, violations of s. 787.01, s. 787.02, s.
90 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of
91 whether adjudication has been withheld, is expressly preempted
92 to the state. The provisions of ss. 794.065, 947.1405, and
93 948.30 establishing such distance limitations supersede the
94 distance limitations included in any such municipal or county
95 ordinances. Any such residency distance limitations adopted by a
96 county or municipality prior to July 1, 2009, are hereby
97 repealed and abolished as of July 1, 2009. However, after July
98 1, 2009, the governing body of a county or municipality, may,
99 upon the written recommendation of the chief law enforcement
100 officer of such county or municipality and upon a finding of

902681

5/1/2008 10:24 PM

Amendment No.

101 public necessity by said governing body, adopt by a two-thirds
102 vote an ordinance that increases the distance limitations
103 contained in s. 794.065 up to a maximum distance of 2,000 feet.

104 Section 4. Subsection (2) of section 775.24, Florida
105 Statutes, is amended to read:

106 775.24 Duty of the court to uphold laws governing sexual
107 predators and sexual offenders.--

108 (2) If a person meets the criteria in this chapter for
109 designation as a sexual predator or meets the criteria in s.
110 943.0435, s. 944.606, s. 944.607, or any other law for
111 classification as a sexual offender, the court may not enter an
112 order, for the purpose of approving a plea agreement or for any
113 other reason, which:

114 (a) Exempts a person who meets the criteria for
115 designation as a sexual predator or classification as a sexual
116 offender from such designation or classification, ~~or~~ exempts
117 such person from the requirements for registration or community
118 and public notification imposed upon sexual predators and sexual
119 offenders, exempts such person from the residency distance
120 limitations contained in ss. 794.065, 947.1405, and 948.30, or
121 exempts such person from the provisions of s. 794.0701;

122 (b) Restricts the compiling, reporting, or release of
123 public records information that relates to sexual predators or
124 sexual offenders; or

125 (c) Prevents any person or entity from performing its
126 duties or operating within its statutorily conferred authority
127 as such duty or authority relates to sexual predators or sexual
128 offenders.

902681

5/1/2008 10:24 PM

Amendment No.

129 Section 5. Section 794.065, Florida Statutes, is amended
130 to read:

131 794.065 Unlawful place of residence for persons convicted
132 of certain sex offenses.--

133 (1) (a)1. It is unlawful for any person who has been
134 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
135 or s. 847.0145, regardless of whether adjudication has been
136 withheld, in which the victim of the offense was less than 16
137 years of age, to reside within 1,000 feet of any school, child
138 care facility ~~day care center~~, park as defined in s. 794.0701,
139 or playground.

140 2. A person who violates this subsection ~~section~~ and whose
141 conviction for an offense listed in subparagraph 1. ~~under s.~~
142 ~~794.011, s. 800.04, s. 827.071, or s. 847.0145~~ was classified
143 as:

144 a. A felony of the first degree or higher commits a felony
145 of the third degree, punishable as provided in s. 775.082 or s.
146 775.083. ~~A person who violates this section and whose conviction~~
147 ~~under s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 was~~
148 ~~classified as~~

149 b. A felony of the second or third degree commits a
150 misdemeanor of the first degree, punishable as provided in s.
151 775.082 or s. 775.083.

152 (2) This section applies to any person convicted of an
153 offense listed in subparagraph (1)(a)1. if the offense occurred
154 ~~a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145~~
155 ~~for offenses that occur~~ on or after October 1, 2004.

156 (3) The distances in this section shall be measured in a
902681

5/1/2008 10:24 PM

Amendment No.

157 straight line from the offender's place of residence to the
158 nearest boundary line of the school, child care facility, park
159 as defined in s. 794.0701, or playground.

160 Section 6. Effective July 1, 2008, section 794.0701,
161 Florida Statutes, is created to read:

162 794.0701 Loitering or prowling by persons convicted of
163 certain sex offenses.--

164 (1) As used in this section, the term:

165 (a) "Child care facility" has the same meaning as provided
166 in s. 402.302.

167 (b) "Park" means and includes all public and private
168 property specifically designated as being used for park and
169 recreational purposes and where children regularly congregate.

170 (c) "School" has the same meaning as provided in s.
171 1003.01 and includes a "private school" as defined in s.
172 1002.01, a "voluntary prekindergarten education program" as
173 described in s. 1002.53(3), a "public school" as described in s.
174 402.3025(1), the Florida School for the Deaf and the Blind, the
175 Florida Virtual School as established in s. 1002.37, and a K-8
176 Virtual School as established in s. 1002.415, excluding
177 facilities dedicated exclusively to the education of adults.

178 (2) Any person who:

179 (a) Has been convicted of a violation of s. 787.01, s.
180 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,
181 regardless of whether adjudication has been withheld, in which
182 the victim of the offense was younger than 16 years of age; and

183 (b) Loiters or prowls as proscribed in s. 856.021 within
184 300 feet of a place where children regularly congregate,

902681

5/1/2008 10:24 PM

Amendment No.

185 including a school, designated public school bus stop, child
186 care facility, playground, or park as defined in s. 794.0701,
187
188 commits a misdemeanor of the first degree, punishable as
189 provided in s. 775.082 or s. 775.083.

190 Section 7. Subsection (2) and paragraph (a) of subsection
191 (7) of section 947.1405, Florida Statutes, are amended to read:
192 947.1405 Conditional release program.--

193 (2)(a) Any inmate who:

194 1.(a) Is convicted of a crime committed on or after
195 October 1, 1988, and before January 1, 1994, ~~and any inmate who~~
196 is convicted of a crime committed on or after January 1, 1994,
197 which crime is or was contained in category 1, category 2,
198 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
199 Rules of Criminal Procedure (1993), and who has served at least
200 one prior felony commitment at a state or federal correctional
201 institution;

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

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

206
207 shall, upon reaching the tentative release date or provisional
208 release date, whichever is earlier, as established by the
209 Department of Corrections, be released under supervision subject
210 to specified terms and conditions, including payment of the cost
211 of supervision pursuant to s. 948.09. Such supervision shall be
212 applicable to all sentences within the overall term of sentences

902681

5/1/2008 10:24 PM

Amendment No.

213 | if an inmate's overall term of sentences includes one or more
214 | sentences that are eligible for conditional release supervision
215 | as provided herein.

216 | **(b)** Effective July 1, 1994, and applicable for offenses
217 | committed on or after that date, the commission may require, as
218 | a condition of conditional release, that the releasee make
219 | payment of the debt due and owing to a county or municipal
220 | detention facility under s. 951.032 for medical care, treatment,
221 | hospitalization, or transportation received by the releasee
222 | while in that detention facility. The commission, in determining
223 | whether to order such repayment and the amount of such
224 | repayment, shall consider the amount of the debt, whether there
225 | was any fault of the institution for the medical expenses
226 | incurred, the financial resources of the releasee, the present
227 | and potential future financial needs and earning ability of the
228 | releasee, and dependents, and other appropriate factors.

229 | **(c)** If any inmate placed on conditional release
230 | supervision is also subject to probation or community control,
231 | resulting from a probationary or community control split
232 | sentence within the overall term of sentences, the Department of
233 | Corrections shall supervise such person according to the
234 | conditions imposed by the court and the commission shall defer
235 | to such supervision. If the court revokes probation or community
236 | control and resentences the offender to a term of incarceration,
237 | such revocation also constitutes a sufficient basis for the
238 | revocation of the conditional release supervision on any
239 | nonprobationary or noncommunity control sentence without further
240 | hearing by the commission. If any such supervision on any

902681

5/1/2008 10:24 PM

Amendment No.

241 nonprobationary or noncommunity control sentence is revoked,
242 such revocation may result in a forfeiture of all gain-time, and
243 the commission may revoke the resulting deferred conditional
244 release supervision or take other action it considers
245 appropriate. If the term of conditional release supervision
246 exceeds that of the probation or community control, then, upon
247 expiration of the probation or community control, authority for
248 the supervision shall revert to the commission and the
249 supervision shall be subject to the conditions imposed by the
250 commission.

251 (d) A panel of no fewer than two commissioners shall
252 establish the terms and conditions of any such release. If the
253 offense was a controlled substance violation, the conditions
254 shall include a requirement that the offender submit to random
255 substance abuse testing intermittently throughout the term of
256 conditional release supervision, upon the direction of the
257 correctional probation officer as defined in s. 943.10(3). The
258 commission shall also determine whether the terms and conditions
259 of such release have been violated and whether such violation
260 warrants revocation of the conditional release.

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

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

902681

5/1/2008 10:24 PM

Amendment No.

269 commission may designate another 8-hour period if the offender's
270 employment precludes the above specified time, and such
271 alternative is recommended by the Department of Corrections. If
272 the commission determines that imposing a curfew would endanger
273 the victim, the commission may consider alternative sanctions.

274 2.a. If the victim was under the age of 18, a prohibition
275 on living within 1,000 feet of a school, child care facility ~~day~~
276 ~~care center~~, park as defined in s. 794.0701, playground,
277 designated public school bus stop, or other place where children
278 regularly congregate. A releasee who is subject to this
279 subparagraph may not relocate to a residence that is within
280 1,000 feet of a public school bus stop.

281 b. Beginning October 1, 2004, the commission or the
282 department may not approve a residence that is located within
283 1,000 feet of a school, child care facility ~~day care center~~,
284 park as defined in s. 794.0701, playground, designated school
285 bus stop, or other place where children regularly congregate for
286 any releasee who is subject to this subparagraph. On October 1,
287 2004, the department shall notify each affected school district
288 of the location of the residence of a releasee 30 days prior to
289 release and thereafter, if the releasee relocates to a new
290 residence, shall notify any affected school district of the
291 residence of the releasee within 30 days after relocation. If,
292 on October 1, 2004, any public school bus stop is located within
293 1,000 feet of the existing residence of such releasee, the
294 district school board shall relocate that school bus stop.
295 Beginning October 1, 2004, a district school board may not
296 establish or relocate a public school bus stop within 1,000 feet

902681

5/1/2008 10:24 PM

Amendment No.

297 of the residence of a releasee who is subject to this
298 subparagraph. The failure of the district school board to comply
299 with this subparagraph shall not result in a violation of
300 conditional release supervision.

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

307 4. A prohibition on any contact with the victim, directly
308 or indirectly, including through a third person, unless approved
309 by the victim, the offender's therapist, and the sentencing
310 court.

311 5. If the victim was under the age of 18, a prohibition
312 against contact with children under the age of 18 without review
313 and approval by the commission. The commission may approve
314 supervised contact with a child under the age of 18 if the
315 approval is based upon a recommendation for contact issued by a
316 qualified practitioner who is basing the recommendation on a
317 risk assessment. Further, the sex offender must be currently
318 enrolled in or have successfully completed a sex offender
319 therapy program. The commission may not grant supervised contact
320 with a child if the contact is not recommended by a qualified
321 practitioner and may deny supervised contact with a child at any
322 time. When considering whether to approve supervised contact
323 with a child, the commission must review and consider the
324 following:

902681

5/1/2008 10:24 PM

Amendment No.

325 a. A risk assessment completed by a qualified
326 practitioner. The qualified practitioner must prepare a written
327 report that must include the findings of the assessment and
328 address each of the following components:

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

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

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

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

336 (V) The sex offender's offender treatment history,
337 including a consultation from the sex offender's treating, or
338 most recent treating, therapist;

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

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

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

344 (IX) The results of current psychological testing of the
345 sex offender if determined necessary by the qualified
346 practitioner;

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

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

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

902681

5/1/2008 10:24 PM

Amendment No.

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

357
358 The written report of the assessment must be given to the
359 commission.

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

363 c. A written consent signed by the child's parent or legal
364 guardian, if the parent or legal guardian is not the sex
365 offender, agreeing to the sex offender having supervised contact
366 with the child after receiving full disclosure of the sex
367 offender's present legal status, past criminal history, and the
368 results of the risk assessment. The commission may not approve
369 contact with the child if the parent or legal guardian refuses
370 to give written consent for supervised contact;

371 d. A safety plan prepared by the qualified practitioner,
372 who provides treatment to the offender, in collaboration with
373 the sex offender, the child's parent or legal guardian, and the
374 child, when age appropriate, which details the acceptable
375 conditions of contact between the sex offender and the child.
376 The safety plan must be reviewed and approved by the Department
377 of Corrections before being submitted to the commission; and

378 e. Evidence that the child's parent or legal guardian, if
379 the parent or legal guardian is not the sex offender,
380 understands the need for and agrees to the safety plan and has

902681

5/1/2008 10:24 PM

Amendment No.

381 | agreed to provide, or to designate another adult to provide,
382 | constant supervision any time the child is in contact with the
383 | offender.

384 |

385 | The commission may not appoint a person to conduct a risk
386 | assessment and may not accept a risk assessment from a person
387 | who has not demonstrated to the commission that he or she has
388 | met the requirements of a qualified practitioner as defined in
389 | this section.

390 | 6. If the victim was under age 18, a prohibition on
391 | working for pay or as a volunteer at any school, child care
392 | facility ~~day-care-center~~, park as defined in s. 794.0701,
393 | playground, or other place where children regularly congregate,
394 | as prescribed by the commission.

395 | 7. Unless otherwise indicated in the treatment plan
396 | provided by the sexual offender treatment program, a prohibition
397 | on viewing, owning, or possessing any obscene, pornographic, or
398 | sexually stimulating visual or auditory material, including
399 | telephone, electronic media, computer programs, or computer
400 | services that are relevant to the offender's deviant behavior
401 | pattern.

402 | 8. Effective for a releasee whose crime is committed on or
403 | after July 1, 2005, a prohibition on accessing the Internet or
404 | other computer services until the offender's sex offender
405 | treatment program, after a risk assessment is completed,
406 | approves and implements a safety plan for the offender's
407 | accessing or using the Internet or other computer services.

408 | 9. A requirement that the releasee must submit two

902681

5/1/2008 10:24 PM

Amendment No.

409 specimens of blood to the Florida Department of Law Enforcement
410 to be registered with the DNA database.

411 10. A requirement that the releasee make restitution to
412 the victim, as determined by the sentencing court or the
413 commission, for all necessary medical and related professional
414 services relating to physical, psychiatric, and psychological
415 care.

416 11. Submission to a warrantless search by the community
417 control or probation officer of the probationer's or community
418 controllee's person, residence, or vehicle.

419 Section 8. Subsection (4) of section 948.06, Florida
420 Statutes, is amended to read:

421 948.06 Violation of probation or community control;
422 revocation; modification; continuance; failure to pay
423 restitution or cost of supervision.--

424 (4) Notwithstanding any other provision of this section, a
425 felony probationer or an offender in community control who is
426 arrested for violating his or her probation or community control
427 in a material respect may be taken before the court in the
428 county or circuit in which the probationer or offender was
429 arrested. That court shall advise him or her of such ~~the~~ charge
430 of a violation and, if such charge is admitted, shall cause him
431 or her to be brought before the court that granted the probation
432 or community control. If such ~~the~~ violation is not admitted by
433 the probationer or offender, the court may commit him or her or
434 release him or her with or without bail to await further
435 hearing. However, if the probationer or offender is under
436 supervision for any criminal offense proscribed in chapter 794,
902681

5/1/2008 10:24 PM

Amendment No.

437 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
438 registered sexual predator or a registered sexual offender, or
439 is under supervision for a criminal offense for which he or she
440 would meet the registration criteria in s. 775.21, s. 943.0435,
441 or s. 944.607 but for the effective date of those sections, the
442 court must make a finding that the probationer or offender poses
443 no is not a danger to the public prior to release with or
444 without bail. In determining whether the offender poses no
445 danger to the public ~~the danger posed by the offender's or~~
446 ~~probationer's release~~, the court may consider the nature and
447 circumstances of the violation and any new offenses charged; the
448 offender's or probationer's past and present conduct, including
449 convictions of crimes; any record of arrests without conviction
450 for crimes involving violence or sexual crimes; any other
451 evidence of allegations of unlawful sexual conduct or the use of
452 violence by the offender or probationer; the offender's or
453 probationer's family ties, length of residence in the community,
454 employment history, and mental condition; his or her history and
455 conduct during the probation or community control supervision
456 from which the violation arises and any other previous
457 supervisions, including disciplinary records of previous
458 incarcerations; the likelihood that the offender or probationer
459 will engage again in a criminal course of conduct; the weight of
460 the evidence against the offender or probationer; and any other
461 facts the court considers relevant. The court, as soon as is
462 practicable, shall give the probationer or offender an
463 opportunity to be fully heard on his or her behalf in person or
464 by counsel. After such ~~the~~ hearing, the court shall make

902681

5/1/2008 10:24 PM

Amendment No.

465 findings of fact and forward the findings to the court that
466 granted the probation or community control and to the
467 probationer or offender or his or her attorney. The findings of
468 fact by the hearing court are binding on the court that granted
469 the probation or community control. Upon the probationer or
470 offender being brought before it, the court that granted the
471 probation or community control may revoke, modify, or continue
472 the probation or community control or may place the probationer
473 into community control as provided in this section. However, the
474 probationer or offender shall not be released and shall not be
475 admitted to bail, but shall be brought before the court that
476 granted the probation or community control if any violation of
477 felony probation or community control other than a failure to
478 pay costs or fines or make restitution payments is alleged to
479 have been committed by:

480 (a) A violent felony offender of special concern, as
481 defined in this section;

482 (b) A person who is on felony probation or community
483 control for any offense committed on or after the effective date
484 of this act and who is arrested for a qualifying offense as
485 defined in this section; or

486 (c) A person who is on felony probation or community
487 control and has previously been found by a court to be a
488 habitual violent felony offender as defined in s. 775.084(1)(b),
489 a three-time violent felony offender as defined in s.
490 775.084(1)(c), or a sexual predator under s. 775.21, and who is
491 arrested for committing a qualifying offense as defined in this
492 section on or after the effective date of this act.

902681

5/1/2008 10:24 PM

Amendment No.

493 Section 9. Paragraph (b) of subsection (1) and subsection
494 (3) of section 948.30, Florida Statutes, are amended to read:

495 948.30 Additional terms and conditions of probation or
496 community control for certain sex offenses.--Conditions imposed
497 pursuant to this section do not require oral pronouncement at
498 the time of sentencing and shall be considered standard
499 conditions of probation or community control for offenders
500 specified in this section.

501 (1) Effective for probationers or community controllees
502 whose crime was committed on or after October 1, 1995, and who
503 are placed under supervision for violation of chapter 794, s.
504 800.04, s. 827.071, or s. 847.0145, the court must impose the
505 following conditions in addition to all other standard and
506 special conditions imposed:

507 (b) If the victim was under the age of 18, a prohibition
508 on living within 1,000 feet of a school, child care facility ~~day~~
509 ~~care center~~, park as defined in s. 794.0701, playground, or
510 other place where children regularly congregate, as prescribed
511 by the court. The 1,000-foot distance shall be measured in a
512 straight line from the offender's place of residence to the
513 nearest boundary line of the school, child care facility ~~day~~
514 ~~care center~~, park as defined in s. 794.0701, playground, or
515 other place where children regularly congregate. The distance
516 may not be measured by a pedestrian route or automobile route.

517 (3) Effective for a probationer or community controllee
518 whose crime was committed on or after September 1, 2005, and
519 who:

520 (a) Is placed on probation or community control for a
902681

5/1/2008 10:24 PM

Amendment No.

521 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
522 or s. 847.0145 and the unlawful sexual activity involved a
523 victim younger than 16 ~~15~~ years of age ~~or younger~~ and the
524 offender is 18 years of age or older;

525 (b) Is designated a sexual predator pursuant to s. 775.21;
526 or

527 (c) Has previously been convicted of a violation of
528 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
529 847.0145 and the unlawful sexual activity involved a victim
530 younger than 16 ~~15~~ years of age ~~or younger~~ and the offender is
531 18 years of age or older,

532
533 the court must order, in addition to any other provision of this
534 section, mandatory electronic monitoring as a condition of the
535 probation or community control supervision.

536 Section 10. Except as otherwise provided, this act shall
537 take effect July 1, 2009.

538
539 -----

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

540 Remove the entire title and insert:

541 A bill to be entitled

542 An act relating to public safety; amending s. 257.12,
543 F.S.; encouraging all public libraries to implement an
544 Internet safety education program for children and adults;
545 providing minimum requirements for the program; requiring
546 libraries to annually report to the Division of Library
547 and Information Services of the Department of State the
548

902681

5/1/2008 10:24 PM

Amendment No.

549 number of users who complete the program; requiring that
550 the division adopt rules to award additional points to
551 grant applicants implementing such a program; amending s.
552 775.21, F.S.; revising provisions relating to
553 reimbursement of specified costs by sexual predators;
554 revising provisions relating to the residence of sexual
555 predators; providing criminal penalties; creating s.
556 775.215, F.S.; specifying residency distance limitations
557 for persons convicted of certain sexual offenses;
558 preempting certain local ordinances and providing for
559 repeal of such ordinances; permitting local ordinances
560 increasing distance limitations up to a specified maximum
561 amount in certain circumstances; amending s. 775.24, F.S.;
562 revising provisions relating to the duty of the court to
563 uphold certain laws; amending s. 794.065, F.S.; providing
564 additional residency restrictions for certain offenders;
565 providing penalties; creating s. 794.0701, F.S.; providing
566 definitions; providing for enhanced penalties for
567 loitering or prowling by persons convicted of certain sex
568 offenses; amending s. 947.1405, F.S.; providing additional
569 conditional release restrictions for certain offenders;
570 providing an exemption; amending s. 948.06, F.S.; revising
571 provisions relating to probation or community control for
572 sexual predators and sexual offenders; amending s. 948.30,
573 F.S.; revising provisions relating to terms and conditions
574 of probation or community control for certain sex
575 offenses; providing additional restrictions for certain
576 probationers or community controllees who committed sexual

902681

5/1/2008 10:24 PM

Amendment No.

577 offenses against a minor younger than 16 years of age;
578 providing effective dates.