

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Simmons offered the following:

2  
3 **Substitute Amendment for Amendment (574141) (with directory**  
4 **and title amendments)**

5 Remove lines 58-438 and insert:

6 (10) PENALTIES.--

7 (b) A sexual predator who has been convicted of or found  
8 to have committed, or has pled nolo contendere or guilty to,  
9 regardless of adjudication, any violation, or attempted  
10 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
11 the victim is a minor and the defendant is not the victim's  
12 parent or guardian; s. 794.011(2), (3), (4), (5), or (8) s.  
13 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
14 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or s.  
15 985.701(1); or a violation of a similar law of another  
16 jurisdiction when the victim of the offense was a minor, and who  
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17 works, whether for compensation or as a volunteer, at any  
18 business where children regularly congregate, school, child care  
19 facility day care center, park as defined in s. 794.0701,  
20 playground, or other place where children regularly congregate,  
21 commits a felony of the third degree, punishable as provided in  
22 s. 775.082, s. 775.083, or s. 775.084.

23 Section 2. Section 775.215, Florida Statutes, is created  
24 to read:

25 775.215 Residency distance limitations for persons  
26 convicted of certain sexual offenses; certain local ordinances  
27 preempted and repealed.--The adoption of residency distance  
28 limitations for persons convicted of sexual offenses, including,  
29 but not limited to, violations of s. 787.01, s. 787.02, s.  
30 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of  
31 whether adjudication has been withheld, is expressly preempted  
32 to the state. The provisions of ss. 794.065, 947.1405, and  
33 948.30 establishing such distance limitations supersede the  
34 distance limitations included in any such municipal or county  
35 ordinances. Any such residency distance limitations adopted by a  
36 county or municipality prior to October 1, 2008, are hereby  
37 repealed and abolished as of October 1, 2008. However, after  
38 October 1, 2008, the governing body of a county or municipality,  
39 may, upon the written recommendation of the chief law  
40 enforcement officer of such county or municipality and upon a  
41 finding of public necessity by said governing body, adopt by a  
42 2/3 vote an ordinance that increases the distance limitations  
43 contained in s. 794.065 up to a maximum distance of 2,000 feet.

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

46 775.24 Duty of the court to uphold laws governing sexual  
47 predators and sexual offenders.--

48 (2) If a person meets the criteria in this chapter for  
49 designation as a sexual predator or meets the criteria in s.  
50 943.0435, s. 944.606, s. 944.607, or any other law for  
51 classification as a sexual offender, the court may not enter an  
52 order, for the purpose of approving a plea agreement or for any  
53 other reason, which:

54 (a) Exempts a person who meets the criteria for  
55 designation as a sexual predator or classification as a sexual  
56 offender from such designation or classification, or exempts  
57 such person from the requirements for registration or community  
58 and public notification imposed upon sexual predators and sexual  
59 offenders, exempts such person from the residency distance  
60 limitations contained in ss. 794.065, 947.1405, and 948.30, or  
61 exempts such person from the provisions of s. 794.0701;

62 (b) Restricts the compiling, reporting, or release of  
63 public records information that relates to sexual predators or  
64 sexual offenders; or

65 (c) Prevents any person or entity from performing its  
66 duties or operating within its statutorily conferred authority  
67 as such duty or authority relates to sexual predators or sexual  
68 offenders.

69 Section 4. Section 794.065, Florida Statutes, is amended  
70 to read:

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71 794.065 Unlawful place of residence for persons convicted  
72 of certain sex offenses.--

73 (1) (a)1. It is unlawful for any person who has been  
74 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
75 or s. 847.0145, regardless of whether adjudication has been  
76 withheld, in which the victim of the offense was less than 16  
77 years of age, to reside within 1,000 feet of any school, child  
78 care facility, day care center, park as defined in s. 794.0701,  
79 or playground.

80 2. A person who violates this subsection ~~section~~ and whose  
81 conviction for an offense listed in subparagraph 1. ~~under s.~~  
82 ~~794.011, s. 800.04, s. 827.071, or s. 847.0145~~ was classified  
83 as:

84 a. A felony of the first degree or higher commits a felony  
85 of the third degree, punishable as provided in s. 775.082 or s.  
86 775.083. A person who violates this section and whose conviction  
87 under s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 was  
88 classified as

89 b. A felony of the second or third degree commits a  
90 misdemeanor of the first degree, punishable as provided in s.  
91 775.082 or s. 775.083.

92 (b) (2) This subsection ~~section~~ applies to any person  
93 convicted of an offense listed in subparagraph (a)1. if the  
94 offense occurred ~~a violation of s. 794.011, s. 800.04, s.~~  
95 ~~827.071, or s. 847.0145 for offenses that occur~~ on or after  
96 October 1, 2004.

97 (2) (a)1. Any person who has been convicted of a violation  
98 of s. 787.01, s. 787.02, s. 794.011, s. 800.04, s. 827.071, or  
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99 s. 847.0145, or a violation of a similar law of another  
100 jurisdiction, committed on or after October 1, 2008, regardless  
101 of whether adjudication has been withheld, in which the victim  
102 of the offense was younger than 16 years of age, may not reside  
103 within 1,500 feet of any school, child care facility, park as  
104 defined in s. 794.0701, or playground. Any person who is subject  
105 to subparagraph (1)(a)1. and who establishes a new residence  
106 after October 1, 2008, is subject to the residency distance  
107 limitation set forth in this subparagraph.

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

110 a. A felony of the first degree or higher commits a felony  
111 of the third degree, punishable as provided in s. 775.082 or s.  
112 775.083.

113 b. A felony of the second or third degree commits a  
114 misdemeanor of the first degree, punishable as provided in s.  
115 775.082 or s. 775.083.

116 (b) The distances in this subsection shall be measured in  
117 a straight line from the offender's place of residence to the  
118 nearest boundary line of the school, child care facility, park  
119 as defined in s. 794.0701, or playground.

120 Section 5. Section 794.0701, Florida Statutes, is created  
121 to read:

122 794.0701 Loitering or prowling by persons convicted of  
123 certain sex offenses.--

124 (1) Any person who:

125 (a) Has been convicted of a violation of s. 787.01, s.  
126 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,  
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127 regardless of whether adjudication has been withheld, in which  
128 the victim of the offense was younger than 16 years of age; and

129 (b) Loiters or prowls as proscribed in s. 856.021 within  
130 300 feet of a place where children regularly congregate,  
131 including a school, designated public school bus stop, child  
132 care facility, playground, or park as defined in s. 794.0701,

133  
134 commits a misdemeanor of the first degree, punishable as  
135 provided in s. 775.082 or s. 775.083.

136 (2) "Child care facility" has the same meaning as provided  
137 in s. 402.302.

138 (3) "Park" means and includes all public and private  
139 property specifically designated as being used for park and  
140 recreational purposes and where children regularly congregate.

141 (4) "School" has the same meaning as provided in s.  
142 1003.01 and includes a "private school" as defined in s.  
143 1002.01, a "voluntary prekindergarten education program" as  
144 described in s. 1002.53(3), a "public school" as described in s.  
145 402.3025(1), the Florida School for the Deaf and the Blind, the  
146 Florida Virtual School as established in s. 1002.37, and a K-8  
147 Virtual School as established in s. 1002.415, excluding  
148 facilities dedicated exclusively to the education of adults.

149 Section 6. Subsection (2) and paragraph (a) of subsection  
150 (7) of section 947.1405, Florida Statutes, are amended, and  
151 subsection (11) is added to that section, to read:

152 947.1405 Conditional release program.--

153 (2)(a) Any inmate who:

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154       1.(a) Is convicted of a crime committed on or after  
155 October 1, 1988, and before January 1, 1994, and any inmate who  
156 is convicted of a crime committed on or after January 1, 1994,  
157 which crime is or was contained in category 1, category 2,  
158 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida  
159 Rules of Criminal Procedure (1993), and who has served at least  
160 one prior felony commitment at a state or federal correctional  
161 institution;

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

164       3.(c) Is found to be a sexual predator under s. 775.21 or  
165 former s. 775.23,

166  
167 shall, upon reaching the tentative release date or provisional  
168 release date, whichever is earlier, as established by the  
169 Department of Corrections, be released under supervision subject  
170 to specified terms and conditions, including payment of the cost  
171 of supervision pursuant to s. 948.09. Such supervision shall be  
172 applicable to all sentences within the overall term of sentences  
173 if an inmate's overall term of sentences includes one or more  
174 sentences that are eligible for conditional release supervision  
175 as provided herein.

176       (b) Effective July 1, 1994, and applicable for offenses  
177 committed on or after that date, the commission may require, as  
178 a condition of conditional release, that the releasee make  
179 payment of the debt due and owing to a county or municipal  
180 detention facility under s. 951.032 for medical care, treatment,  
181 hospitalization, or transportation received by the releasee

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182 while in that detention facility. The commission, in determining  
183 whether to order such repayment and the amount of such  
184 repayment, shall consider the amount of the debt, whether there  
185 was any fault of the institution for the medical expenses  
186 incurred, the financial resources of the releasee, the present  
187 and potential future financial needs and earning ability of the  
188 releasee, and dependents, and other appropriate factors.

189       (c) If any inmate placed on conditional release  
190 supervision is also subject to probation or community control,  
191 resulting from a probationary or community control split  
192 sentence within the overall term of sentences, the Department of  
193 Corrections shall supervise such person according to the  
194 conditions imposed by the court and the commission shall defer  
195 to such supervision. If the court revokes probation or community  
196 control and resentences the offender to a term of incarceration,  
197 such revocation also constitutes a sufficient basis for the  
198 revocation of the conditional release supervision on any  
199 nonprobationary or noncommunity control sentence without further  
200 hearing by the commission. If any such supervision on any  
201 nonprobationary or noncommunity control sentence is revoked,  
202 such revocation may result in a forfeiture of all gain-time, and  
203 the commission may revoke the resulting deferred conditional  
204 release supervision or take other action it considers  
205 appropriate. If the term of conditional release supervision  
206 exceeds that of the probation or community control, then, upon  
207 expiration of the probation or community control, authority for  
208 the supervision shall revert to the commission and the

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209 supervision shall be subject to the conditions imposed by the  
210 commission.

211 (d) A panel of no fewer than two commissioners shall  
212 establish the terms and conditions of any such release. If the  
213 offense was a controlled substance violation, the conditions  
214 shall include a requirement that the offender submit to random  
215 substance abuse testing intermittently throughout the term of  
216 conditional release supervision, upon the direction of the  
217 correctional probation officer as defined in s. 943.10(3). The  
218 commission shall also determine whether the terms and conditions  
219 of such release have been violated and whether such violation  
220 warrants revocation of the conditional release.

221 (7) (a) Any inmate who is convicted of a crime committed on  
222 or after October 1, 1995, or who has been previously convicted  
223 of a crime committed on or after October 1, 1995, in violation  
224 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is  
225 subject to conditional release supervision, shall have, in  
226 addition to any other conditions imposed, the following special  
227 conditions imposed by the commission:

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

234 2.a. If the victim was under the age of 18, a prohibition  
235 on living within 1,000 feet of a school, child care facility,  
236 day care center, park as defined in s. 794.0701, playground,

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237 designated public school bus stop, or other place where children  
238 regularly congregate. A releasee who is subject to this  
239 subparagraph may not relocate to a residence that is within  
240 1,000 feet of a public school bus stop.

241 b. Beginning October 1, 2004, the commission or the  
242 department may not approve a residence that is located within  
243 1,000 feet of a school, child care facility, day care center,  
244 park as defined in s. 794.0701, playground, designated school  
245 bus stop, or other place where children regularly congregate for  
246 any releasee who is subject to this subparagraph. On October 1,  
247 2004, the department shall notify each affected school district  
248 of the location of the residence of a releasee 30 days prior to  
249 release and thereafter, if the releasee relocates to a new  
250 residence, shall notify any affected school district of the  
251 residence of the releasee within 30 days after relocation. If,  
252 on October 1, 2004, any public school bus stop is located within  
253 1,000 feet of the existing residence of such releasee, the  
254 district school board shall relocate that school bus stop.  
255 Beginning October 1, 2004, a district school board may not  
256 establish or relocate a public school bus stop within 1,000 feet  
257 of the residence of a releasee who is subject to this  
258 subparagraph. The failure of the district school board to comply  
259 with this subparagraph shall not result in a violation of  
260 conditional release supervision.

261 c. If the victim was under the age of 18, beginning  
262 October 1, 2008, neither the commission nor the department may  
263 approve a residence located within 1,000 feet of any designated  
264 school bus stop or within 1,500 feet of a school, child care

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265 facility, park as defined in s. 794.0701, playground, or other  
266 place where children regularly congregate for any releasee who  
267 is subject to this subparagraph. The distance in this sub-  
268 subparagraph shall be measured in a straight line from the  
269 offender's place of residence to the nearest boundary line of  
270 any designated school bus stop, school, child care facility,  
271 park as defined in s. 794.0701, playground, or other place where  
272 children regularly congregate. The distance may not be measured  
273 by a pedestrian route or automobile route.

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

280         4. A prohibition on any contact with the victim, directly  
281 or indirectly, including through a third person, unless approved  
282 by the victim, the offender's therapist, and the sentencing  
283 court.

284         5. If the victim was under the age of 18, a prohibition  
285 against contact with children under the age of 18 without review  
286 and approval by the commission. The commission may approve  
287 supervised contact with a child under the age of 18 if the  
288 approval is based upon a recommendation for contact issued by a  
289 qualified practitioner who is basing the recommendation on a  
290 risk assessment. Further, the sex offender must be currently  
291 enrolled in or have successfully completed a sex offender  
292 therapy program. The commission may not grant supervised contact

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293 with a child if the contact is not recommended by a qualified  
294 practitioner and may deny supervised contact with a child at any  
295 time. When considering whether to approve supervised contact  
296 with a child, the commission must review and consider the  
297 following:

298 a. A risk assessment completed by a qualified  
299 practitioner. The qualified practitioner must prepare a written  
300 report that must include the findings of the assessment and  
301 address each of the following components:

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

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

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

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

309 (V) The sex offender's offender treatment history,  
310 including a consultation from the sex offender's treating, or  
311 most recent treating, therapist;

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

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

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

317 (IX) The results of current psychological testing of the  
318 sex offender if determined necessary by the qualified  
319 practitioner;

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

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

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

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

330

331 The written report of the assessment must be given to the  
332 commission.

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

336 c. A written consent signed by the child's parent or legal  
337 guardian, if the parent or legal guardian is not the sex  
338 offender, agreeing to the sex offender having supervised contact  
339 with the child after receiving full disclosure of the sex  
340 offender's present legal status, past criminal history, and the  
341 results of the risk assessment. The commission may not approve  
342 contact with the child if the parent or legal guardian refuses  
343 to give written consent for supervised contact;

344 d. A safety plan prepared by the qualified practitioner,  
345 who provides treatment to the offender, in collaboration with  
346 the sex offender, the child's parent or legal guardian, and the  
347 child, when age appropriate, which details the acceptable

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348 conditions of contact between the sex offender and the child.  
349 The safety plan must be reviewed and approved by the Department  
350 of Corrections before being submitted to the commission; and

351 e. Evidence that the child's parent or legal guardian, if  
352 the parent or legal guardian is not the sex offender,  
353 understands the need for and agrees to the safety plan and has  
354 agreed to provide, or to designate another adult to provide,  
355 constant supervision any time the child is in contact with the  
356 offender.

357

358 The commission may not appoint a person to conduct a risk  
359 assessment and may not accept a risk assessment from a person  
360 who has not demonstrated to the commission that he or she has  
361 met the requirements of a qualified practitioner as defined in  
362 this section.

363 6. If the victim was under age 18, a prohibition on  
364 working for pay or as a volunteer at any school, child care  
365 facility, day care center, park as defined in s. 794.0701,  
366 playground, or other place where children regularly congregate,  
367 as prescribed by the commission.

368 7. Unless otherwise indicated in the treatment plan  
369 provided by the sexual offender treatment program, a prohibition  
370 on viewing, owning, or possessing any obscene, pornographic, or  
371 sexually stimulating visual or auditory material, including  
372 telephone, electronic media, computer programs, or computer  
373 services that are relevant to the offender's deviant behavior  
374 pattern.

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375 8. Effective for a releasee whose crime is committed on or  
376 after July 1, 2005, a prohibition on accessing the Internet or  
377 other computer services until the offender's sex offender  
378 treatment program, after a risk assessment is completed,  
379 approves and implements a safety plan for the offender's  
380 accessing or using the Internet or other computer services.

381 9. A requirement that the releasee must submit two  
382 specimens of blood to the Florida Department of Law Enforcement  
383 to be registered with the DNA database.

384 10. A requirement that the releasee make restitution to  
385 the victim, as determined by the sentencing court or the  
386 commission, for all necessary medical and related professional  
387 services relating to physical, psychiatric, and psychological  
388 care.

389 11. Submission to a warrantless search by the community  
390 control or probation officer of the probationer's or community  
391 controllee's person, residence, or vehicle.

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

394 948.06 Violation of probation or community control;  
395 revocation; modification; continuance; failure to pay  
396 restitution or cost of supervision.--

397 (4) Notwithstanding any other provision of this section, a  
398 felony probationer or an offender in community control who is  
399 arrested for violating his or her probation or community control  
400 in a material respect may be taken before the court in the  
401 county or circuit in which the probationer or offender was  
402 arrested. That court shall advise him or her of such ~~the~~ charge

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403 of a violation and, if such charge is admitted, shall cause him  
404 or her to be brought before the court that granted the probation  
405 or community control. If such ~~the~~ violation is not admitted by  
406 the probationer or offender, the court may commit him or her or  
407 release him or her with or without bail to await further  
408 hearing. However, if the probationer or offender is under  
409 supervision for any criminal offense proscribed in chapter 794,  
410 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a  
411 registered sexual predator or a registered sexual offender, or  
412 is under supervision for a criminal offense for which he or she  
413 would meet the registration criteria in s. 775.21, s. 943.0435,  
414 or s. 944.607 but for the effective date of those sections, the  
415 court must make a finding that the probationer or offender poses  
416 no is not a danger to the public prior to release with or  
417 without bail. In determining whether the offender poses no  
418 danger to the public the danger posed by the offender's or  
419 probationer's release, the court may consider the nature and  
420 circumstances of the violation and any new offenses charged; the  
421 offender's or probationer's past and present conduct, including  
422 convictions of crimes; any record of arrests without conviction  
423 for crimes involving violence or sexual crimes; any other  
424 evidence of allegations of unlawful sexual conduct or the use of  
425 violence by the offender or probationer; the offender's or  
426 probationer's family ties, length of residence in the community,  
427 employment history, and mental condition; his or her history and  
428 conduct during the probation or community control supervision  
429 from which the violation arises and any other previous  
430 supervisions, including disciplinary records of previous

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431 incarceration; the likelihood that the offender or probationer  
432 will engage again in a criminal course of conduct; the weight of  
433 the evidence against the offender or probationer; and any other  
434 facts the court considers relevant. The court, as soon as is  
435 practicable, shall give the probationer or offender an  
436 opportunity to be fully heard on his or her behalf in person or  
437 by counsel. After such ~~the~~ hearing, the court shall make  
438 findings of fact and forward the findings to the court that  
439 granted the probation or community control and to the  
440 probationer or offender or his or her attorney. The findings of  
441 fact by the hearing court are binding on the court that granted  
442 the probation or community control. Upon the probationer or  
443 offender being brought before it, the court that granted the  
444 probation or community control may revoke, modify, or continue  
445 the probation or community control or may place the probationer  
446 into community control as provided in this section. However, the  
447 probationer or offender shall not be released and shall not be  
448 admitted to bail, but shall be brought before the court that  
449 granted the probation or community control if any violation of  
450 felony probation or community control other than a failure to  
451 pay costs or fines or make restitution payments is alleged to  
452 have been committed by:

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

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

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459 (c) A person who is on felony probation or community  
460 control and has previously been found by a court to be a  
461 habitual violent felony offender as defined in s. 775.084(1)(b),  
462 a three-time violent felony offender as defined in s.  
463 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
464 arrested for committing a qualifying offense as defined in this  
465 section on or after the effective date of this act.

466 Section 8. Paragraph (b) of subsection (1) and subsection  
467 (3) of section 948.30, Florida Statutes, are amended, and  
468 subsection (4) is added to that section, to read:

469 948.30 Additional terms and conditions of probation or  
470 community control for certain sex offenses.--Conditions imposed  
471 pursuant to this section do not require oral pronouncement at  
472 the time of sentencing and shall be considered standard  
473 conditions of probation or community control for offenders  
474 specified in this section.

475 (1) Effective for probationers or community controllees  
476 whose crime was committed on or after October 1, 1995, and who  
477 are placed under supervision for violation of chapter 794, s.  
478 800.04, s. 827.071, or s. 847.0145, the court must impose the  
479 following conditions in addition to all other standard and  
480 special conditions imposed:

481 (b)1. Except as provided in subparagraph 2., if the victim  
482 was under the age of 18, a prohibition on living within 1,000  
483 feet of a school, child care facility, day care center, park as  
484 defined in s. 794.0701, playground, or other place where  
485 children regularly congregate, as prescribed by the court. The  
486 1,000-foot distance shall be measured in a straight line from

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487 the offender's place of residence to the nearest boundary line  
488 of the school, child care facility, day care center, park as  
489 defined in s. 794.0701, playground, or other place where  
490 children regularly congregate. The distance may not be measured  
491 by a pedestrian route or automobile route.

492 2. For a probationer or community controllee whose crime  
493 was committed on or after October 1, 2008, if the victim was  
494 younger than 18 years of age, a prohibition on living within  
495 1,500 feet of a school, child care facility, park as defined in  
496 s. 794.0701, playground, or other place where children regularly  
497 congregate, as prescribed by the court. This distance shall be  
498 measured in a straight line from the offender's place of  
499 residence to the nearest boundary line of the school, child care  
500 facility, park as defined in s. 794.0701, playground, or other  
501 place where children regularly congregate. The distance may not  
502 be measured by a pedestrian route or automobile route.

503 (3) Effective for a probationer or community controllee  
504 whose crime was committed on or after September 1, 2005, and  
505 who:

506 (a) Is placed on probation or community control for a  
507 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
508 or s. 847.0145 and the unlawful sexual activity involved a  
509 victim younger than 16 ~~15~~ years of age or younger and the  
510 offender is 18 years of age or older;

511 (b) Is designated a sexual predator pursuant to s. 775.21;  
512 or

513 (c) Has previously been convicted of a violation of  
514 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.  
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515 847.0145 and the unlawful sexual activity involved a victim  
516 younger than 16 ~~15~~ years of age or younger and the offender is  
517 18 years of age or older,

518  
519 the court must order, in addition to any other provision of this  
520 section, mandatory electronic monitoring as a condition of the  
521 probation or community control supervision.

522  
523 -----

**D I R E C T O R Y   A M E N D M E N T**

524 Remove lines 26-27 and insert:

525  
526 Section 1. Paragraph (b) of subsection (3) and paragraph  
527 (b) of subsection (10) of section 775.21, Florida Statutes, are  
528 amended to read:

529  
530 -----

**T I T L E   A M E N D M E N T**

531 Remove lines 3-22 and insert:

532  
533 amending s. 775.21, F.S.; revising provisions relating to  
534 reimbursement of specified costs by sexual predators; providing  
535 criminal penalties; prohibiting sexual predators from working at  
536 certain locations; providing criminal penalties; creating s.  
537 775.215, F.S.; specifying residency distance limitations for  
538 persons convicted of certain sexual offenses; preempting certain  
539 local ordinances and providing for repeal of such ordinances;  
540 providing an exception for charter counties; amending s. 775.24,  
541 F.S.; revising provisions relating to the duty of the court to  
542 uphold certain laws; amending s. 794.065, F.S.; providing

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543 additional residency restrictions on certain offenders;  
544 providing penalties; creating s. 794.0701, F.S.; prohibiting  
545 loitering or prowling by persons convicted of certain sex  
546 offenses; providing criminal penalties; amending s. 947.1405,  
547 F.S.; providing additional conditional release restrictions for  
548 certain offenders; amending s. 948.06, F.S.; revising provisions  
549 relating to release of probationers or offenders arrested for  
550 violating their probation or community control in a material  
551 respect; amending s. 948.30, F.S.; revising provisions relating  
552 to terms and conditions of probation or community control for  
553 certain sex offenses; providing additional restrictions for  
554 certain probationers or community controllees who committed  
555 sexual offenses with minors under the age of 16; providing an  
556 effective date.