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1 A bill to be entitled
2 An act relating to public safety; amending s. 775.21,
3 F.S.; revising provisions relating to reimbursement of
4 specified costs by sexual predators; revising provisions
5 relating to the residence of sexual predators; providing
6 criminal penalties; creating s. 775.215, F.S.; specifying
7 residency distance limitations for persons convicted of
8 certain sexual offenses; preempting certain local
9 ordinances and providing for repeal of such ordinances;
10 amending s. 775.24, F.S.; revising provisions relating to
11 the duty of the court to uphold certain laws; amending s.
12 794.065, F.S.; providing additional residency restrictions
13 for certain offenders; providing penalties; creating s.
14 794.0701, F.S.; providing for enhanced penalties for
15 loitering or prowling by persons convicted of certain sex
16 offenses; providing definitions; amending s. 947.1405,
17 F.S.; providing additional conditional release
18 restrictions for certain offenders; providing an
19 exemption; amending s. 948.06, F.S.; revising provisions
20 relating to probation or community control for sexual
21 predators and sexual offenders; amending s. 948.30, F.S.;
22 revising provisions relating to terms and conditions of
23 probation or community control for certain sex offenses;
24 providing additional restrictions for certain probationers
25 or community controllees who committed sexual offenses
26 against a minor younger than 16 years of age; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Paragraph (b) of subsection (3) and paragraph
32 (b) of subsection (10) of section 775.21, Florida Statutes, are
33 amended to read:

34 775.21 The Florida Sexual Predators Act.--

35 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.--

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

40 1. Incarcerating sexual predators and maintaining adequate
41 facilities to ensure that decisions to release sexual predators
42 into the community are not made on the basis of inadequate space.

43 2. Providing for specialized supervision of sexual
44 predators who are in the community by specially trained probation
45 officers with low caseloads, as described in ss. 947.1405(7) and
46 948.30. The sexual predator is subject to specified terms and
47 conditions implemented at sentencing or at the time of release
48 from incarceration, with a requirement that only those sexual
49 predators found to be indigent may defer payment pursuant to s.
50 28.246 of all or part of the costs in accordance with the
51 provisions of that section ~~who are financially able must pay all~~
52 ~~or part of the costs of supervision.~~

53 3. Requiring the registration of sexual predators, with a
54 requirement that complete and accurate information be maintained
55 and accessible for use by law enforcement authorities,
56 communities, and the public.

57 4. Providing for community and public notification
58 concerning the presence of sexual predators.

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

61 (10) PENALTIES.--

62 (b) A sexual predator who has been convicted of or found to
63 have committed, or has pled nolo contendere or guilty to,
64 regardless of adjudication, any violation, or attempted
65 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
66 the victim is a minor and the defendant is not the victim's
67 parent or guardian; s. 794.011(2), (3), (4), (5), or (8) s.
68 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
69 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or s.
70 985.701(1); or a violation of a similar law of another
71 jurisdiction when the victim of the offense was a minor, and who
72 works, whether for compensation or as a volunteer, at any
73 business where children regularly congregate, school, child care
74 facility day care center, park as defined in s. 794.0701,
75 playground, or other place where children regularly congregate,
76 commits a felony of the third degree, punishable as provided in
77 s. 775.082, s. 775.083, or s. 775.084.

78 Section 2. Section 775.215, Florida Statutes, is created to
79 read:

80 775.215 Residency distance limitations for persons
81 convicted of certain sexual offenses; local ordinances preempted
82 and repealed.--The adoption of residency distance limitations for
83 persons convicted of sexual offenses, including, but not limited
84 to, violations of s. 787.01, s. 787.02, s. 794.011, s. 800.04, s.
85 827.071, or s. 847.0145, regardless of whether adjudication has
86 been withheld, is expressly preempted to the state. The
87 provisions of ss. 794.065, 947.1405, and 948.30 which establish

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88 such residency distance limitations supersede the distance
89 limitation included in any such municipal or county ordinances.
90 Any such residency distance limitations adopted by a county or
91 municipality before October 1, 2008, are repealed and abolished
92 effective October 1, 2008.

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

95 775.24 Duty of the court to uphold laws governing sexual
96 predators and sexual offenders.--

97 (2) If a person meets the criteria in this chapter for
98 designation as a sexual predator or meets the criteria in s.
99 943.0435, s. 944.606, s. 944.607, or any other law for
100 classification as a sexual offender, the court may not enter an
101 order, for the purpose of approving a plea agreement or for any
102 other reason, which:

103 (a) Exempts a person who meets the criteria for designation
104 as a sexual predator or classification as a sexual offender from
105 such designation or classification, ~~or~~ exempts such person from
106 the requirements for registration or community and public
107 notification imposed upon sexual predators and sexual offenders,
108 exempts such person from the residency distance limitations
109 contained in ss. 794.065, 947.1405, and 948.30, or exempts such
110 person from the provisions of s. 794.0701;

111 (b) Restricts the compiling, reporting, or release of
112 public records information that relates to sexual predators or
113 sexual offenders; or

114 (c) Prevents any person or entity from performing its
115 duties or operating within its statutorily conferred authority as
116 such duty or authority relates to sexual predators or sexual

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117 offenders.

118 Section 4. Section 794.065, Florida Statutes, is amended to
119 read:

120 794.065 Unlawful place of residence for persons convicted
121 of certain sex offenses.--

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

129 2. A person who violates this subsection ~~section~~ and whose
130 conviction for an offense listed in subparagraph 1. ~~under s.~~
131 ~~794.011, s. 800.04, s. 827.071, or s. 847.0145~~ was classified as:

132 a. A felony of the first degree or higher commits a felony
133 of the third degree, punishable as provided in s. 775.082 or s.
134 775.083. ~~A person who violates this section and whose conviction~~
135 ~~under s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 was~~
136 ~~classified as~~

137 b. A felony of the second or third degree commits a
138 misdemeanor of the first degree, punishable as provided in s.
139 775.082 or s. 775.083.

140 (b)(2) This subsection ~~section~~ applies to any person
141 convicted of an offense listed in subparagraph (a)1. ~~if the~~
142 ~~offense occurred a violation of s. 794.011, s. 800.04, s.~~
143 ~~827.071, or s. 847.0145 for offenses that occur on or after~~
144 October 1, 2004.

145 (2) (a)1. Any person who has been convicted of a violation

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146 of s. 787.01, s. 787.02, s. 794.011, s. 800.04, s. 827.071, or s.
147 847.0145, or a violation of a similar law of another
148 jurisdiction, committed on or after October 1, 2008, regardless
149 of whether adjudication has been withheld, in which the victim of
150 the offense was younger than 16 years of age, may not reside
151 within 1,500 feet of any school, child care facility, park as
152 defined in s. 794.0701, or playground. Any person who is subject
153 to subparagraph (1) (a)1. and who establishes a new residence
154 after October 1, 2008, is subject to the residency distance
155 limitation set forth in this subparagraph.

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

158 a. A felony of the first degree or higher commits a felony
159 of the third degree, punishable as provided in s. 775.082 or s.
160 775.083.

161 b. A felony of the second or third degree commits a
162 misdemeanor of the first degree, punishable as provided in s.
163 775.082 or s. 775.083.

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

168 Section 5. Section 794.0701, Florida Statutes, is created
169 to read:

170 794.0701 Loitering or prowling by persons convicted of
171 certain sex offenses.--

172 (1) Any person who:

173 (a) Has been convicted of a violation of s. 787.01, s.
174 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,

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175 regardless of whether adjudication has been withheld, in which
176 the victim of the offense was younger than 16 years of age; and

177 (b) Loiters or prowls as proscribed in s. 856.021 within
178 300 feet of a place where children regularly congregate,
179 including a school, designated public school bus stop, child care
180 facility, playground, or park as defined in s. 794.0701,

181
182 commits a misdemeanor of the first degree, punishable as provided
183 in s. 775.082 or s. 775.083.

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

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

189 (4) "School" has the same meaning as provided in s. 1003.01
190 and includes a "private school" as defined in s. 1002.01, a
191 "voluntary prekindergarten education program" as described in s.
192 1002.53(3), a "public school" as described in s. 402.3025(1), the
193 Florida School for the Deaf and the Blind, the Florida Virtual
194 School as established in s. 1002.37, and a K-8 Virtual School as
195 established in s. 1002.415, excluding facilities dedicated
196 exclusively to the education of adults.

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

200 947.1405 Conditional release program.--

201 (2) (a) Any inmate who:

202 1. (a) Is convicted of a crime committed on or after October
203 1, 1988, and before January 1, 1994, and any inmate who is

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204 convicted of a crime committed on or after January 1, 1994, which
205 crime is or was contained in category 1, category 2, category 3,
206 or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of
207 Criminal Procedure (1993), and who has served at least one prior
208 felony commitment at a state or federal correctional institution;

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

211 3.~~(e)~~ Is found to be a sexual predator under s. 775.21 or
212 former s. 775.23,

213

214 shall, upon reaching the tentative release date or provisional
215 release date, whichever is earlier, as established by the
216 Department of Corrections, be released under supervision subject
217 to specified terms and conditions, including payment of the cost
218 of supervision pursuant to s. 948.09. Such supervision shall be
219 applicable to all sentences within the overall term of sentences
220 if an inmate's overall term of sentences includes one or more
221 sentences that are eligible for conditional release supervision
222 as provided herein.

223 (b) Effective July 1, 1994, and applicable for offenses
224 committed on or after that date, the commission may require, as a
225 condition of conditional release, that the releasee make payment
226 of the debt due and owing to a county or municipal detention
227 facility under s. 951.032 for medical care, treatment,
228 hospitalization, or transportation received by the releasee while
229 in that detention facility. The commission, in determining
230 whether to order such repayment and the amount of such repayment,
231 shall consider the amount of the debt, whether there was any
232 fault of the institution for the medical expenses incurred, the

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233 financial resources of the releasee, the present and potential
234 future financial needs and earning ability of the releasee, and
235 dependents, and other appropriate factors.

236 (c) If any inmate placed on conditional release supervision
237 is also subject to probation or community control, resulting from
238 a probationary or community control split sentence within the
239 overall term of sentences, the Department of Corrections shall
240 supervise such person according to the conditions imposed by the
241 court and the commission shall defer to such supervision. If the
242 court revokes probation or community control and resentsences the
243 offender to a term of incarceration, such revocation also
244 constitutes a sufficient basis for the revocation of the
245 conditional release supervision on any nonprobationary or
246 noncommunity control sentence without further hearing by the
247 commission. If any such supervision on any nonprobationary or
248 noncommunity control sentence is revoked, such revocation may
249 result in a forfeiture of all gain-time, and the commission may
250 revoke the resulting deferred conditional release supervision or
251 take other action it considers appropriate. If the term of
252 conditional release supervision exceeds that of the probation or
253 community control, then, upon expiration of the probation or
254 community control, authority for the supervision shall revert to
255 the commission and the supervision shall be subject to the
256 conditions imposed by the commission.

257 (d) A panel of no fewer than two commissioners shall
258 establish the terms and conditions of any such release. If the
259 offense was a controlled substance violation, the conditions
260 shall include a requirement that the offender submit to random
261 substance abuse testing intermittently throughout the term of

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262 conditional release supervision, upon the direction of the
263 correctional probation officer as defined in s. 943.10(3). The
264 commission shall also determine whether the terms and conditions
265 of such release have been violated and whether such violation
266 warrants revocation of the conditional release.

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

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

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

287 b. Beginning October 1, 2004, the commission or the
288 department may not approve a residence that is located within
289 1,000 feet of a school, child care facility ~~day care center~~, park
290 as defined in s. 794.0701, playground, designated school bus

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291 stop, or other place where children regularly congregate for any
292 releasee who is subject to this subparagraph. On October 1, 2004,
293 the department shall notify each affected school district of the
294 location of the residence of a releasee 30 days prior to release
295 and thereafter, if the releasee relocates to a new residence,
296 shall notify any affected school district of the residence of the
297 releasee within 30 days after relocation. If, on October 1, 2004,
298 any public school bus stop is located within 1,000 feet of the
299 existing residence of such releasee, the district school board
300 shall relocate that school bus stop. Beginning October 1, 2004, a
301 district school board may not establish or relocate a public
302 school bus stop within 1,000 feet of the residence of a releasee
303 who is subject to this subparagraph. The failure of the district
304 school board to comply with this subparagraph shall not result in
305 a violation of conditional release supervision.

306 c. If the victim was under the age of 18, beginning October
307 1, 2008, neither the commission nor the department may approve a
308 residence located within 1,000 feet of any designated school bus
309 stop or within 1,500 feet of a school, child care facility, park
310 as defined in s. 794.0701, playground, or other place where
311 children regularly congregate for any releasee who is subject to
312 this subparagraph. The distance in this sub-subparagraph shall be
313 measured in a straight line from the offender's place of
314 residence to the nearest boundary line of any designated school
315 bus stop, school, child care facility, park as defined in s.
316 794.0701, playground, or other place where children regularly
317 congregate. The distance may not be measured by a pedestrian
318 route or automobile route.

319 3. Active participation in and successful completion of a

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320 sex offender treatment program with qualified practitioners
321 specifically trained to treat sex offenders, at the releasee's
322 own expense. If a qualified practitioner is not available within
323 a 50-mile radius of the releasee's residence, the offender shall
324 participate in other appropriate therapy.

325 4. A prohibition on any contact with the victim, directly
326 or indirectly, including through a third person, unless approved
327 by the victim, the offender's therapist, and the sentencing
328 court.

329 5. If the victim was under the age of 18, a prohibition
330 against contact with children under the age of 18 without review
331 and approval by the commission. The commission may approve
332 supervised contact with a child under the age of 18 if the
333 approval is based upon a recommendation for contact issued by a
334 qualified practitioner who is basing the recommendation on a risk
335 assessment. Further, the sex offender must be currently enrolled
336 in or have successfully completed a sex offender therapy program.
337 The commission may not grant supervised contact with a child if
338 the contact is not recommended by a qualified practitioner and
339 may deny supervised contact with a child at any time. When
340 considering whether to approve supervised contact with a child,
341 the commission must review and consider the following:

342 a. A risk assessment completed by a qualified practitioner.
343 The qualified practitioner must prepare a written report that
344 must include the findings of the assessment and address each of
345 the following components:

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

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

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

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

353 (V) The sex offender's offender treatment history,
354 including a consultation from the sex offender's treating, or
355 most recent treating, therapist;

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

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

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

361 (IX) The results of current psychological testing of the
362 sex offender if determined necessary by the qualified
363 practitioner;

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

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

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

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

374

375 The written report of the assessment must be given to the
376 commission.

377 b. A recommendation made as a part of the risk-assessment

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378 report as to whether supervised contact with the child should be
379 approved;

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

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

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

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

406 6. If the victim was under age 18, a prohibition on working

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407 for pay or as a volunteer at any school, child care facility ~~day~~
408 ~~care center~~, park as defined in s. 794.0701, playground, or other
409 place where children regularly congregate, as prescribed by the
410 commission.

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

418 8. Effective for a releasee whose crime is committed on or
419 after July 1, 2005, a prohibition on accessing the Internet or
420 other computer services until the offender's sex offender
421 treatment program, after a risk assessment is completed, approves
422 and implements a safety plan for the offender's accessing or
423 using the Internet or other computer services.

424 9. A requirement that the releasee must submit two
425 specimens of blood to the Florida Department of Law Enforcement
426 to be registered with the DNA database.

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

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

434 (11) For a releasee whose crime was committed on or after
435 October 1, 2008, the commission must, in addition to all other

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436 provisions of this section, impose the standard conditions in
437 paragraph (b) on the following releasees:

438 (a) A releasee whose crime was committed on or after
439 October 1, 2008, in violation of s. 800.04(4), (5), or (6); s.
440 827.071; or s. 847.0145 in this state or a similar offense in
441 another jurisdiction when, at the time of the offense, the victim
442 was younger than 16 years of age and the releasee was 18 years of
443 age or older.

444 (b) A releasee who is designated as a sexual predator under
445 s. 775.21 or who has received a similar designation or
446 determination in another jurisdiction.

447 (c) A releasee subject to registration as a sexual predator
448 under s. 775.21 or as a sexual offender under s. 943.0435 who has
449 committed an offense that would meet the criteria for the
450 designation or registration when at the time of the offense the
451 victim was younger than 16 years of age and the releasee was 18
452 years of age or older, who commits a violation of s. 775.21 or s.
453 943.0435 on or after October 1, 2008, and who is not otherwise
454 subject to this subsection.

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

457 948.06 Violation of probation or community control;
458 revocation; modification; continuance; failure to pay restitution
459 or cost of supervision.--

460 (4) Notwithstanding any other provision of this section, a
461 felony probationer or an offender in community control who is
462 arrested for violating his or her probation or community control
463 in a material respect may be taken before the court in the county
464 or circuit in which the probationer or offender was arrested.

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465 That court shall advise him or her of such ~~the~~ charge of a
466 violation and, if such charge is admitted, shall cause him or her
467 to be brought before the court that granted the probation or
468 community control. If such ~~the~~ violation is not admitted by the
469 probationer or offender, the court may commit him or her or
470 release him or her with or without bail to await further hearing.
471 However, if the probationer or offender is under supervision for
472 any criminal offense proscribed in chapter 794, s. 800.04(4),
473 (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual
474 predator or a registered sexual offender, or is under supervision
475 for a criminal offense for which he or she would meet the
476 registration criteria in s. 775.21, s. 943.0435, or s. 944.607
477 but for the effective date of those sections, the court must make
478 a finding that the probationer or offender poses no ~~is not a~~
479 danger to the public prior to release with or without bail. In
480 determining whether the offender poses no danger to the public
481 ~~the danger posed by the offender's or probationer's release~~, the
482 court may consider the nature and circumstances of the violation
483 and any new offenses charged; the offender's or probationer's
484 past and present conduct, including convictions of crimes; any
485 record of arrests without conviction for crimes involving
486 violence or sexual crimes; any other evidence of allegations of
487 unlawful sexual conduct or the use of violence by the offender or
488 probationer; the offender's or probationer's family ties, length
489 of residence in the community, employment history, and mental
490 condition; his or her history and conduct during the probation or
491 community control supervision from which the violation arises and
492 any other previous supervisions, including disciplinary records
493 of previous incarcerations; the likelihood that the offender or

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494 probationer will engage again in a criminal course of conduct;
495 the weight of the evidence against the offender or probationer;
496 and any other facts the court considers relevant. The court, as
497 soon as is practicable, shall give the probationer or offender an
498 opportunity to be fully heard on his or her behalf in person or
499 by counsel. After such ~~the~~ hearing, the court shall make findings
500 of fact and forward the findings to the court that granted the
501 probation or community control and to the probationer or offender
502 or his or her attorney. The findings of fact by the hearing court
503 are binding on the court that granted the probation or community
504 control. Upon the probationer or offender being brought before
505 it, the court that granted the probation or community control may
506 revoke, modify, or continue the probation or community control or
507 may place the probationer into community control as provided in
508 this section. However, the probationer or offender shall not be
509 released and shall not be admitted to bail, but shall be brought
510 before the court that granted the probation or community control
511 if any violation of felony probation or community control other
512 than a failure to pay costs or fines or make restitution payments
513 is alleged to have been committed by:

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

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

520 (c) A person who is on felony probation or community
521 control and has previously been found by a court to be a habitual
522 violent felony offender as defined in s. 775.084(1)(b), a three-

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523 time violent felony offender as defined in s. 775.084(1)(c), or a
524 sexual predator under s. 775.21, and who is arrested for
525 committing a qualifying offense as defined in this section on or
526 after the effective date of this act.

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

530 948.30 Additional terms and conditions of probation or
531 community control for certain sex offenses.--Conditions imposed
532 pursuant to this section do not require oral pronouncement at the
533 time of sentencing and shall be considered standard conditions of
534 probation or community control for offenders specified in this
535 section.

536 (1) Effective for probationers or community controllees
537 whose crime was committed on or after October 1, 1995, and who
538 are placed under supervision for violation of chapter 794, s.
539 800.04, s. 827.071, or s. 847.0145, the court must impose the
540 following conditions in addition to all other standard and
541 special conditions imposed:

542 (b)1. Except as provided in subparagraph 2., if the victim
543 was under the age of 18, a prohibition on living within 1,000
544 feet of a school, child care facility ~~day care center~~, park as
545 defined in s. 794.0701, playground, or other place where children
546 regularly congregate, as prescribed by the court. The 1,000-foot
547 distance shall be measured in a straight line from the offender's
548 place of residence to the nearest boundary line of the school,
549 child care facility ~~day care center~~, park as defined in s.
550 794.0701, playground, or other place where children regularly
551 congregate. The distance may not be measured by a pedestrian

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552 route or automobile route.

553 2. For a probationer or community controllee whose crime
554 was committed on or after October 1, 2008, if the victim was
555 younger than 18 years of age, a prohibition on living within
556 1,500 feet of a school, child care facility, park as defined in
557 s. 794.0701, playground, or other place where children regularly
558 congregate, as prescribed by the court. This distance shall be
559 measured in a straight line from the offender's place of
560 residence to the nearest boundary line of the school, child care
561 facility, park as defined in s. 794.0701, playground, or other
562 place where children regularly congregate. The distance may not
563 be measured by a pedestrian route or automobile route.

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

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

571 (b) Is designated a sexual predator pursuant to s. 775.21;
572 or

573 (c) Has previously been convicted of a violation of chapter
574 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and
575 the unlawful sexual activity involved a victim younger than 16 ~~15~~
576 years of age ~~or younger~~ and the offender is 18 years of age or
577 older,

578
579 the court must order, in addition to any other provision of this
580 section, mandatory electronic monitoring as a condition of the

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581 probation or community control supervision.

582 (4) The court must, in addition to all other provisions of
583 this section, impose the standard conditions in paragraph (1)(b)
584 on the following probationers or community controllees whose
585 crime was committed on or after October 1, 2008:

586 (a) A probationer or community controllee who violated s.
587 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 in this state
588 or committed a similar offense in another jurisdiction when, at
589 the time of the offense, the victim was younger than 16 years of
590 age and the probationer or community controllee was 18 years of
591 age or older.

592 (b) A probationer or community controllee who is designated
593 as a sexual predator under s. 775.21 or who has received a
594 similar designation or determination in another jurisdiction.

595 (c) A probationer or community controllee subject to
596 registration as a sexual predator under s. 775.21 or as a sexual
597 offender pursuant to s. 943.0435 who has committed an offense
598 that would meet the criteria for the designation or registration
599 when at the time of the offense the victim was younger than 16
600 years of age and the probationer or community controllee was 18
601 years of age or older, who commits a violation of s. 775.21 or s.
602 943.0435 on or after October 1, 2008, and who is not otherwise
603 subject to this subsection.

604 Section 9. This act shall take effect October 1, 2008.