

1 A bill to be entitled

2 An act relating to sexual predators and offenders;  
3 creating s. 316.87, F.S.; prohibiting a person from  
4 knowingly authorizing or allowing a sexual predator or  
5 sexual offender to operate a motor vehicle owned or  
6 under the dominion or control of that person, except  
7 for certain purposes; providing a criminal penalty;  
8 requiring an additional penalty if the motor vehicle  
9 is used in the commission of a felony; amending s.  
10 318.17, F.S.; providing that ch. 318, F.S., relating  
11 to disposition of traffic infractions, is not  
12 available to a person who is charged with the offense  
13 of knowingly authorizing or allowing a sexual predator  
14 or sexual offender to operate a motor vehicle owned or  
15 under the dominion or control of that person; amending  
16 s. 394.912, F.S.; redefining the term "total  
17 confinement" as it relates to part V of ch. 394, F.S.,  
18 to apply civil commitment procedures for care and  
19 treatment of offenders in physically secured  
20 facilities that are being operated or contractually  
21 operated for a county; creating s. 921.2312, F.S.;  
22 requiring the circuit court to have a qualified  
23 practitioner conduct a risk assessment before  
24 sentencing for a defendant who has been found guilty  
25 of or has entered a plea of nolo contendere or guilty  
26 to specified sex offenses; providing reporting

27 requirements for the risk assessment; amending s.  
 28 948.30, F.S.; requiring the court to order curfew as a  
 29 condition of probation or community control for  
 30 offenders who commit certain sex offenses; amending s.  
 31 948.31, F.S.; directing the court to require a  
 32 probationer or community controllee to undergo sexual  
 33 offender treatment that is provided by a qualified  
 34 practitioner under certain circumstances as a term or  
 35 condition of probation or community control; providing  
 36 an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Section 316.87, Florida Statutes, is created to  
 41 read:

42 316.87 Unlawfully authorizing or allowing the operation of  
 43 a motor vehicle.—

44 (1) A person may not knowingly authorize or allow a motor  
 45 vehicle owned by him or her or under his or her dominion or  
 46 control to be operated on a highway or public street by an  
 47 individual who is required to register as a sexual predator  
 48 under s. 775.21 or as a sexual offender under s. 943.0435, s.  
 49 944.606, or s. 944.607, except for the sole purpose of the  
 50 sexual predator's or sexual offender's driving to and from work,  
 51 public service, or treatment. A person who violates this  
 52 subsection commits a misdemeanor of the second degree,

53 punishable as provided in s. 775.082 or s. 775.083.

54 (2) If a person violates subsection (1) and the motor  
 55 vehicle is used to commit a felony enumerated in s. 775.21(4) or  
 56 s. 943.0435(1) or a violation of s. 782.04, the driver license  
 57 of the person who violates subsection (1) shall be suspended for  
 58 1 year.

59 Section 2. Section 318.17, Florida Statutes, is amended to  
 60 read:

61 318.17 Offenses excepted.—No provision of this chapter is  
 62 available to a person who is charged with any of the following  
 63 offenses:

64 (1) Fleeing or attempting to elude a police officer, in  
 65 violation of s. 316.1935.~~†~~

66 (2) Leaving the scene of a crash, in violation of ss.  
 67 316.027 and 316.061.~~†~~

68 (3) Driving, or being in actual physical control of, any  
 69 vehicle while under the influence of alcoholic beverages, any  
 70 chemical substance set forth in s. 877.111, or any substance  
 71 controlled under chapter 893, in violation of s. 316.193, or  
 72 driving with an unlawful blood-alcohol level.~~†~~

73 (4) Reckless driving, in violation of s. 316.192.~~†~~

74 (5) Making false crash reports, in violation of s.  
 75 316.067.~~†~~

76 (6) Willfully failing or refusing to comply with any  
 77 lawful order or direction of any police officer or member of the  
 78 fire department, in violation of s. 316.072(3).~~†~~

79 (7) Obstructing an officer, in violation of s.  
 80 316.545(1) ~~.† or~~

81 (8) Unlawfully authorizing or allowing the operation of a  
 82 motor vehicle by a sexual predator or sexual offender, in  
 83 violation of s. 316.87.

84 (9)~~(8)~~ Any other offense in chapter 316 which is  
 85 classified as a criminal violation.

86 Section 3. Subsection (11) of section 394.912, Florida  
 87 Statutes, is amended to read:

88 394.912 Definitions.—As used in this part, the term:

89 (11) "Total confinement" means that the person is  
 90 currently being held in any physically secure facility being  
 91 operated or contractually operated for a county, the Department  
 92 of Corrections, the Department of Juvenile Justice, or the  
 93 Department of Children and Family Services. A person shall also  
 94 be deemed to be in total confinement for applicability of  
 95 provisions under this part if the person is serving an  
 96 incarcerative sentence under the custody of a county, the  
 97 Department of Corrections or the Department of Juvenile Justice  
 98 and is being held in any other secure facility for any reason.

99 Section 4. Section 921.2312, Florida Statutes, is created  
 100 to read:

101 921.2312 Risk assessment reports.—For crimes committed on  
 102 or after October 1, 2014, a circuit court of the state, when the  
 103 defendant in a criminal case has been found guilty or has  
 104 entered a plea of nolo contendere or guilty for an offense that

105 is listed in s. 943.0435(1)(a)1.a.(I), shall refer the case to a  
106 qualified practitioner as defined in s. 948.001. The qualified  
107 practitioner shall assess the defendant by considering the  
108 components specified in s. 948.30(1)(e)1.a.-i. and submit a  
109 written report to the circuit court at a specified time before  
110 sentencing. The report must include the qualified practitioner's  
111 opinion, along with the basis for that opinion, as to the  
112 offender's risk of committing another sexual offense.

113 Section 5. Subsection (5) is added to section 948.30,  
114 Florida Statutes, to read:

115 948.30 Additional terms and conditions of probation or  
116 community control for certain sex offenses.—Conditions imposed  
117 pursuant to this section do not require oral pronouncement at  
118 the time of sentencing and shall be considered standard  
119 conditions of probation or community control for offenders  
120 specified in this section.

121 (5) The court must order, in addition to any other  
122 provision of this section, a mandatory curfew from 7 p.m. to 7  
123 a.m. as a condition of the probation or community control  
124 supervision. The court may designate alternate hours if the  
125 offender's employment or public service precludes this specified  
126 time and the alternative is recommended by the Department of  
127 Corrections. The court may also limit the offender's whereabouts  
128 by requiring the offender to be at home if the offender is not  
129 at work, performing public service, or in treatment. If the  
130 court determines that imposing a curfew would endanger the

131 victim, the court may consider alternative sanctions. This  
 132 subsection applies to a probationer or community controllee  
 133 whose crime was committed on or after October 1, 2014, who:

134 (a) Is placed on probation or community control for a  
 135 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
 136 or s. 847.0145 relating to unlawful sexual activity involving a  
 137 victim 15 years of age or younger and was 18 years of age or  
 138 older at the time of the offense;

139 (b) Is required to register as a sexual predator pursuant  
 140 to s. 775.21;

141 (c) Is required to register as a sexual offender pursuant  
 142 to s. 943.0435, s. 944.606, or s. 944.607; or

143 (d) Has previously been convicted of a violation of  
 144 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.  
 145 847.0145 relating to unlawful sexual activity involving a victim  
 146 15 years of age or younger and was 18 years of age or older at  
 147 the time of the offense.

148 Section 6. Section 948.31, Florida Statutes, is amended to  
 149 read:

150 948.31 Evaluation and treatment of sexual predators and  
 151 offenders on probation or community control.—The court shall  
 152 require an evaluation by a qualified practitioner to determine  
 153 the need for sexual offender treatment for ~~of~~ a probationer or  
 154 community controllee who is required to register as a sexual  
 155 predator under s. 775.21 or a sexual offender under s. 943.0435,  
 156 s. 944.606, or s. 944.607 ~~for treatment~~. If the court determines

157 that a need ~~therefor~~ is established by the evaluation process,  
158 the court shall require the probationer or community controllee  
159 to undergo sexual offender treatment that is provided by a  
160 qualified practitioner as defined in s. 948.001 as a term or  
161 condition of probation or community control ~~for any person who~~  
162 ~~is required to register as a sexual predator under s. 775.21 or~~  
163 ~~sexual offender under s. 943.0435, s. 944.606, or s. 944.607.~~  
164 ~~Such treatment shall be required to be obtained from a qualified~~  
165 ~~practitioner as defined in s. 948.001.~~ Treatment may not be  
166 administered by a qualified practitioner who has been convicted  
167 or adjudicated delinquent of committing, or attempting,  
168 soliciting, or conspiring to commit, any offense that is listed  
169 in s. 943.0435(1)(a)1.a.(I). The court shall impose a  
170 restriction against contact with minors if sexual offender  
171 treatment is recommended. The evaluation and recommendations for  
172 treatment of the probationer or community controllee shall be  
173 provided to the court for review.

174 Section 7. This act shall take effect July 1, 2014.