

1                   A bill to be entitled  
2           An act relating to criminal offenders; amending s.  
3           24.115, F.S.; requiring the Department of the Lottery  
4           to verify whether certain prize claimants owe debts  
5           relating to registration as specified types of  
6           offenders; providing for payment of such debts from  
7           lottery prizes in certain circumstances; creating s.  
8           775.0201, F.S.; providing an additional mandatory term  
9           of imprisonment for specified offenses committed by  
10          sexual offenders and sexual predators; creating s.  
11          775.32, F.S.; providing definitions; authorizing  
12          sheriffs to assess fees for registering and  
13          reregistering specified types of offenders subject to  
14          registration requirements; specifying maximum fees;  
15          providing requirements for use of fees; providing for  
16          relocation of registrants; providing criminal  
17          penalties; amending s. 796.04, F.S.; providing  
18          enhanced criminal penalties for repeat violations of  
19          provisions prohibiting forcing, compelling, or  
20          coercing another to become a prostitute; amending s.  
21          847.0141, F.S.; providing criminal penalties for a  
22          first offense of sexting; amending ss. 943.0435 and  
23          944.606, F.S.; revising the definition of "sexual  
24          offender" to include persons convicted of specified  
25          prostitution-related offenses; creating s. 948.33,  
26          F.S.; providing additional conditions for sex offender

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27 probation and community control for certain offenders  
28 who commit qualifying offenses after a specified date;  
29 providing that such conditions need not be pronounced  
30 orally at the time of sentencing; providing that such  
31 conditions may be applied to other relevant offenders;  
32 requiring that such offenders be supervised by certain  
33 Department of Corrections officers; providing for  
34 severability; providing an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Subsection (4) of section 24.115, Florida  
39 Statutes, is amended to read:

40 24.115 Payment of prizes.—

41 (4) (a)1. Except as provided in subparagraph 2., it is the  
42 responsibility of the appropriate state agency and of the  
43 judicial branch to identify to the department, in the form and  
44 format prescribed by the department, persons owing an  
45 outstanding debt to any state agency or owing child support  
46 collected through a court, including spousal support or alimony  
47 for the spouse or former spouse of the obligor if the child  
48 support obligation is being enforced by the Department of  
49 Revenue.

50 2. Before payment of a prize of \$600 or more to a claimant  
51 having such an outstanding obligation, the department shall  
52 contact the Department of Law Enforcement to determine whether

53 the winner is a person required to register as a career  
54 offender, sexual predator, or sexual offender and, if so,  
55 whether the claimant owes a debt for any expenses related  
56 thereto, including expenses related to registration,  
57 notification, and verification of residence. If the offender  
58 owes such a debt, it shall be paid out of the prize money as  
59 provided in paragraph (b).

60 (b) Before ~~Prior to~~ the payment of a prize of \$600 or more  
61 to a ~~any~~ claimant having such an outstanding obligation, the  
62 department shall transmit the amount of a ~~the~~ debt as determined  
63 under paragraph (a) to the agency claiming the debt and shall  
64 authorize payment of the balance to the prize winner after  
65 deduction of the debt. If a prize winner owes multiple debts  
66 subject to offset under this subsection and the prize is  
67 insufficient to cover all such debts, the amount of the prize  
68 shall be transmitted first to the agency claiming that past due  
69 child support is owed. If a balance of lottery prize remains  
70 after payment of past due child support, the remaining lottery  
71 prize amount shall be transmitted to other agencies claiming  
72 debts owed to the state, pro rata, based upon the ratio of the  
73 individual debt to the remaining debt owed to the state.

74 Section 2. Section 775.0201, Florida Statutes, is created  
75 to read:

76 775.0201 Additional penalties for certain offenses  
77 committed by sexual offenders and sexual predators.-

78 (1) Effective for offenses committed on or after October

79 1, 2015, a person who is designated a sexual predator under s.  
80 775.21 or subject to registration as a sexual offender under s.  
81 943.0435 or s. 944.607, or who has a similar designation or is  
82 subject to a similar registration requirement under the laws of  
83 another jurisdiction, who commits:

84 (a) A capital, life, or first degree felony violation, or  
85 an attempt thereof, of s. 787.01 or s. 787.02, where the victim  
86 is a minor and the defendant is not the victim's parent or  
87 guardian, or s. 794.011, s. 800.04, or s. 847.0145; or

88 (b) A felony violation, or an attempt thereof, of s.  
89 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
90 787.025(2)(c), where the victim is a minor and the defendant is  
91 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
92 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
93 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
94 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133;  
95 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
96 916.1075(2); or s. 985.701(1), and the offender has previously  
97 been convicted of or found to have committed, or has pled nolo  
98 contendere or guilty to, regardless of adjudication, a violation  
99 of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
100 787.025(2)(c), where the victim is a minor and the defendant is  
101 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
102 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
103 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
104 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133;

105 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
 106 916.1075(2); or s. 985.701(1),

107  
 108 shall be sentenced to a mandatory term of imprisonment of 10  
 109 years in addition to any other sentence imposed for the offense.

110 (2) The sentence imposed under this section shall be  
 111 consecutive to any other sentence imposed for the offense.

112 Section 3. Section 775.32, Florida Statutes, is created to  
 113 read:

114 775.32 Offender registration fees.—

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

116 (a) "Career offender" means an offender who qualifies as a  
 117 career offender under s. 775.261.

118 (b) "Convicted felon" means an offender qualifying as a  
 119 convicted felon under s. 775.13.

120 (c) "Florida resident" means an offender who lived in this  
 121 state for at least 1 year before the initial registration or  
 122 arrest for the qualifying offense that requires registration.

123 (d) "Sexual offender" means an offender who qualifies as a  
 124 sexual offender under s. 943.0435.

125 (e) "Sexual predator" means an offender who qualifies as a  
 126 sexual predator under s. 775.21.

127 (f) "Registration year" of an offender means the 12-month  
 128 period beginning on the first day of the offender's birth month.

129 (2) The sheriff of each county may charge criminal  
 130 registration fees for sexual predators, sexual offenders, career

131 offenders, and convicted felons for the initial registration,  
132 reregistration, and registration updates with that sheriff.  
133 Annual fees during a registration year, excluding the initial  
134 registration fee of a nonresident of this state, may not exceed  
135 \$200 per sexual predator, \$100 per sexual offender, \$50 per  
136 career offender, or \$25 per felony offender.

137 (3) The sheriff may not refuse to register a person,  
138 register a new residence address of a person, or verify the  
139 current residence address of a person, who does not pay a fee  
140 required under this section.

141 (4) Each sexual predator, sexual offender, career  
142 offender, or convicted felon required to register and pay a fee  
143 as provided under this section shall remit payment when the  
144 person reports to the sheriff's office in the county in which  
145 the person resides or is otherwise located.

146 (5) All funds retained by the sheriff pursuant to this  
147 section shall be credited to a special fund of the sheriff's  
148 office which shall be used solely for law enforcement and  
149 criminal prosecution purposes and which may not be used as a  
150 source of revenue to reduce the amount of funding otherwise made  
151 available to the sheriff's office.

152 (6) The sheriff may waive the registration or  
153 reregistration fee under this section for an offender who  
154 demonstrates indigency if he or she is a Florida resident. The  
155 sheriff shall document any waiver or alternative fee arrangement  
156 in the official registration records of the sheriff's office and

157 shall provide the offender with a written copy of any waiver or  
158 alternative fee arrangement.

159 (7) When an offender from another jurisdiction who meets  
160 the criteria under this section and is not a resident of this  
161 state registers for the first time, a \$300 initial registration  
162 fee shall be assessed and collected by the sheriff.

163 (8) If an offender has registered with a sheriff and  
164 subsequently relocates to a different county during a  
165 registration year, the annual maximum amounts set forth in  
166 subsection (2) apply to the sheriff of that county, and that  
167 sheriff shall consider any payments already made by the offender  
168 for the purposes of determining when the applicable maximum has  
169 been met for the offender's registration year.

170 (9) Failure to pay a fee as required this section, unless  
171 waived under subsection (6), is a misdemeanor of the second  
172 degree, punishable as provided in s. 775.082 or s. 775.083.

173 Section 4. Section 796.04, Florida Statutes, is amended to  
174 read:

175 796.04 Forcing, compelling, or coercing another to become  
176 a prostitute.—

177 (1) ~~After May 1, 1943, It is shall be~~ unlawful for anyone  
178 to force, compel, or coerce another to become a prostitute.

179 (2) A person who violates this section commits:

180 (a) For a first offense, Anyone violating this section  
181 ~~shall be guilty of~~ a felony of the third degree, punishable as  
182 provided in s. 775.082, s. 775.083, or s. 775.084.

183 (b) For a second offense, a felony of the second degree,  
 184 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

185 (c) For a third or subsequent offense, a felony of the  
 186 first degree, punishable as provided in s. 775.082, s. 775.083,  
 187 or s. 775.084.

188 Section 5. Subsection (3) of section 847.0141, Florida  
 189 Statutes, is amended, and subsection (1) of that section is  
 190 republished, to read:

191 847.0141 Sexting; prohibited acts; penalties.—

192 (1) A minor commits the offense of sexting if he or she  
 193 knowingly:

194 (a) Uses a computer, or any other device capable of  
 195 electronic data transmission or distribution, to transmit or  
 196 distribute to another minor any photograph or video of any  
 197 person which depicts nudity, as defined in s. 847.001(9), and is  
 198 harmful to minors, as defined in s. 847.001(6).

199 (b) Possesses a photograph or video of any person that was  
 200 transmitted or distributed by another minor which depicts  
 201 nudity, as defined in s. 847.001(9), and is harmful to minors,  
 202 as defined in s. 847.001(6). A minor does not violate this  
 203 paragraph if all of the following apply:

204 1. The minor did not solicit the photograph or video.

205 2. The minor took reasonable steps to report the  
 206 photograph or video to the minor's legal guardian or to a school  
 207 or law enforcement official.

208 3. The minor did not transmit or distribute the photograph



209 or video to a third party.

210 (3) A minor who violates subsection (1):

211 (a) For a first violation, commits a misdemeanor of the  
 212 second degree, punishable as provided in s. 775.082 or s.  
 213 775.083 noncriminal violation for a first violation, punishable  
 214 by 8 hours of community service or, if ordered by the court in  
 215 lieu of community service, a \$60 fine. The court may also order  
 216 the minor to participate in suitable training or instruction ~~in~~  
 217 ~~lieu of, or in addition to, community service or a fine.~~

218 (b) For a second violation, commits a misdemeanor of the  
 219 first degree for a violation that occurs after being found to  
 220 have committed a noncriminal violation for sexting, punishable  
 221 as provided in s. 775.082 or s. 775.083.

222 (c) For a third or subsequent violation, commits a felony  
 223 of the third degree for a violation that occurs after being  
 224 found to have committed a misdemeanor of the first degree for  
 225 sexting, punishable as provided in s. 775.082, s. 775.083, or s.  
 226 775.084.

227 Section 6. Paragraph (a) of subsection (1) of section  
 228 943.0435, Florida Statutes, is amended to read:

229 943.0435 Sexual offenders required to register with the  
 230 department; penalty.—

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

232 (a)1. "Sexual offender" means a person who meets the  
 233 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 234 subparagraph c., or sub-subparagraph d., as follows:

235 a.(I) Has been convicted of committing, or attempting,  
 236 soliciting, or conspiring to commit, any of the criminal  
 237 offenses proscribed in the following statutes in this state or  
 238 similar offenses in another jurisdiction: s. 393.135(2); s.  
 239 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 240 the victim is a minor and the defendant is not the victim's  
 241 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.  
 242 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 243 former s. 796.03; former s. 796.035; s. 796.04(2)(b) or (c); s.  
 244 796.05; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.  
 245 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
 246 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any  
 247 similar offense committed in this state which has been  
 248 redesignated from a former statute number to one of those listed  
 249 in this sub-sub-subparagraph; and

250 (II) Has been released on or after October 1, 1997, from  
 251 the sanction imposed for any conviction of an offense described  
 252 in sub-sub-subparagraph (I). For purposes of sub-sub-  
 253 subparagraph (I), a sanction imposed in this state or in any  
 254 other jurisdiction includes, but is not limited to, a fine,  
 255 probation, community control, parole, conditional release,  
 256 control release, or incarceration in a state prison, federal  
 257 prison, private correctional facility, or local detention  
 258 facility;

259 b. Establishes or maintains a residence in this state and  
 260 who has not been designated as a sexual predator by a court of

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261 | this state but who has been designated as a sexual predator, as  
262 | a sexually violent predator, or by another sexual offender  
263 | designation in another state or jurisdiction and was, as a  
264 | result of such designation, subjected to registration or  
265 | community or public notification, or both, or would be if the  
266 | person were a resident of that state or jurisdiction, without  
267 | regard to whether the person otherwise meets the criteria for  
268 | registration as a sexual offender;

269 |       c. Establishes or maintains a residence in this state who  
270 | is in the custody or control of, or under the supervision of,  
271 | any other state or jurisdiction as a result of a conviction for  
272 | committing, or attempting, soliciting, or conspiring to commit,  
273 | any of the criminal offenses proscribed in the following  
274 | statutes or similar offense in another jurisdiction: s.  
275 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
276 | 787.025(2)(c), where the victim is a minor and the defendant is  
277 | not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
278 | or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
279 | 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
280 | 796.04(2)(b) or (c); s. 796.05; s. 800.04; s. 810.145(8); s.  
281 | 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
282 | 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
283 | 916.1075(2); or s. 985.701(1); or any similar offense committed  
284 | in this state which has been redesignated from a former statute  
285 | number to one of those listed in this sub-subparagraph; or  
286 |       d. On or after July 1, 2007, has been adjudicated

287 delinquent for committing, or attempting, soliciting, or  
288 conspiring to commit, any of the criminal offenses proscribed in  
289 the following statutes in this state or similar offenses in  
290 another jurisdiction when the juvenile was 14 years of age or  
291 older at the time of the offense:

292 (I) Section 794.011, excluding s. 794.011(10);

293 (II) Section 800.04(4)(a)2. where the victim is under 12  
294 years of age or where the court finds sexual activity by the use  
295 of force or coercion;

296 (III) Section 800.04(5)(c)1. where the court finds  
297 molestation involving unclothed genitals; or

298 (IV) Section 800.04(5)(d) where the court finds the use of  
299 force or coercion and unclothed genitals.

300 2. For all qualifying offenses listed in sub-subparagraph  
301 (1)(a)1.d., the court shall make a written finding of the age of  
302 the offender at the time of the offense.

303

304 For each violation of a qualifying offense listed in this  
305 subsection, except for a violation of s. 794.011, the court  
306 shall make a written finding of the age of the victim at the  
307 time of the offense. For a violation of s. 800.04(4), the court  
308 shall also make a written finding indicating whether the offense  
309 involved sexual activity and indicating whether the offense  
310 involved force or coercion. For a violation of s. 800.04(5), the  
311 court shall also make a written finding that the offense did or  
312 did not involve unclothed genitals or genital area and that the

313 offense did or did not involve the use of force or coercion.

314 Section 7. Paragraph (b) of subsection (1) of section  
 315 944.606, Florida Statutes, is amended to read:

316 944.606 Sexual offenders; notification upon release.—

317 (1) As used in this section:

318 (b) "Sexual offender" means a person who has been  
 319 convicted of committing, or attempting, soliciting, or  
 320 conspiring to commit, any of the criminal offenses proscribed in  
 321 the following statutes in this state or similar offenses in  
 322 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 323 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 324 the defendant is not the victim's parent or guardian; s.  
 325 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 326 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 327 former s. 796.035; s. 796.04(2)(b) or (c); s. 796.05; s. 800.04;  
 328 s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
 329 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
 330 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
 331 offense committed in this state which has been redesignated from  
 332 a former statute number to one of those listed in this  
 333 subsection, when the department has received verified  
 334 information regarding such conviction; an offender's  
 335 computerized criminal history record is not, in and of itself,  
 336 verified information.

337 Section 8. Section 948.33, Florida Statutes, is created to  
 338 read:

339        948.33 Sex offender probation and community control terms  
340 and conditions.—

341        (1) Conditions imposed pursuant to this section do not  
342 require oral pronouncement at the time of sentencing and shall  
343 be considered standard conditions of sex offender probation or  
344 community control for offenders specified in this section.

345        (2) For a probationer or community controllee who is  
346 required to register as a sexual predator under s. 775.21 or  
347 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 and  
348 who committed a qualifying offense on or after October 1, 2015,  
349 the court must impose the following conditions in addition to  
350 all other standard and special conditions imposed:

351        (a) A mandatory curfew from 10 p.m. to 6 a.m. The court  
352 may designate another 8-hour period if the probationer's or  
353 community controllee's employment precludes such curfew and the  
354 alternative period is recommended by the Department of  
355 Corrections. If the court determines that imposing a curfew  
356 would endanger the victim, the court may consider alternative  
357 sanctions.

358        (b) Active participation in and successful completion of a  
359 sexual offender treatment program with qualified practitioners  
360 specifically trained to treat sexual offenders, at the  
361 probationer's or community controllee's expense. If a qualified  
362 practitioner is not available within a 50-mile radius of the  
363 probationer's or community controllee's residence, the  
364 probationer or community controllee shall participate in other

365 appropriate therapy.

366 (c) A prohibition against any contact with the victim,  
367 directly or indirectly, including through a third person, unless  
368 approved by the victim, a qualified practitioner in the sexual  
369 offender treatment program, and the sentencing court.

370 (d) A prohibition against viewing, accessing, owning, or  
371 possessing any obscene, pornographic, or sexually stimulating  
372 visual or auditory material unless otherwise indicated in the  
373 treatment plan provided by a qualified practitioner in the  
374 sexual offender treatment program. Visual or auditory material  
375 includes, but is not limited to, material transmitted by  
376 telephone, electronic media, computer programs, or computer  
377 services.

378 (e) A prohibition against accessing the Internet or other  
379 computer services until a qualified practitioner in the  
380 probationer's or community controllee's sexual offender  
381 treatment program, after a risk assessment is completed,  
382 approves and implements a safety plan for the probationer's or  
383 community controllee's accessing or using the Internet or other  
384 computer services.

385 (f) A requirement that the probationer or community  
386 controllee submit a specimen of blood or other approved  
387 biological specimen to the Department of Law Enforcement to be  
388 registered with the DNA data bank.

389 (g) A requirement that the probationer or community  
390 controllee make restitution to the victim, as ordered by the

391 court under s. 775.089, for all necessary medical and related  
392 professional services relating to physical, psychiatric, and  
393 psychological care.

394 (h) Submission to a warrantless search by the community  
395 control or probation officer of the probationer's or community  
396 controllee's person, residence, and vehicle.

397 (i) As part of a treatment program, submission at least  
398 annually to a polygraph examination, at the probationer's or  
399 community controllee's expense, to obtain information necessary  
400 for risk management and treatment and to reduce the  
401 probationer's or community controllee's denial mechanisms. A  
402 polygraph examination must be conducted by a polygrapher who is  
403 a member of a national or state polygraph association and who is  
404 certified as a postconviction sexual offender polygrapher, where  
405 available. The results of the polygraph examination shall be  
406 provided to the probationer's or community controllee's  
407 probation officer and qualified practitioner and may not be used  
408 as evidence in court to prove that a violation of community  
409 supervision has occurred.

410 (j) Maintenance of a driving log and a prohibition against  
411 driving a motor vehicle alone without the prior approval of the  
412 community control or probation officer.

413 (k) A prohibition against obtaining or using a post office  
414 box without the prior approval of the community control or  
415 probation officer.

416 (l) If there was sexual contact, submission to, at the



417 probationer's or community controllee's expense, an HIV test  
418 with the results to be released to the victim or the victim's  
419 parent or guardian.

420 (m) A requirement to submit to electronic monitoring.

421 (3) If the victim was under the age of 18, the following  
422 conditions shall apply in addition to those provided in  
423 subsection (2):

424 (a) A prohibition against living within 1,000 feet of a  
425 school, child care facility, park, playground, or other place  
426 where children regularly congregate, as prescribed by the court.

427 The 1,000-foot distance shall be measured in a straight line  
428 from the offender's place of residence to the nearest boundary  
429 line of the school, child care facility, park, playground, or  
430 other place where children regularly congregate. The distance  
431 may not be measured by a pedestrian route or motor vehicle  
432 route. A probationer or community controllee who is subject to  
433 this paragraph may not be forced to relocate and does not  
434 violate his or her probation or community control if he or she  
435 is living in a residence that meets the requirements of this  
436 paragraph and a school, child care facility, park, playground,  
437 or other place where children regularly congregate is  
438 subsequently established within 1,000 feet of his or her  
439 residence.

440 (b) A prohibition against contact with a child under the  
441 age of 18 except as provided in this paragraph. The court may  
442 approve supervised contact with a child under the age of 18 if

443 the approval is based on a recommendation for contact issued by  
444 a qualified practitioner who is basing the recommendation on a  
445 risk assessment. Further, the probationer or community  
446 controllee must be currently enrolled in or have successfully  
447 completed a sexual offender treatment program. The court may not  
448 grant supervised contact with a child if the contact is not  
449 recommended by a qualified practitioner and may deny supervised  
450 contact with a child at any time. When considering whether to  
451 approve supervised contact with a child, the court must review  
452 and consider the following:

453 1. A risk assessment completed by a qualified  
454 practitioner. The qualified practitioner must prepare a written  
455 report that must include the findings of the assessment and  
456 address each of the following components:

457 a. The probationer's or community controllee's current  
458 legal status.

459 b. The probationer's or community controllee's history of  
460 adult charges with apparent sexual motivation.

461 c. The probationer's or community controllee's history of  
462 adult charges without apparent sexual motivation.

463 d. The probationer's or community controllee's history of  
464 juvenile charges, whenever available.

465 e. The probationer's or community controllee's offender  
466 treatment history, including consultations with his or her  
467 treating, or most recent treating, therapist.

468 f. The probationer's or community controllee's current

469 mental status.

470 g. The probationer's or community controllee's mental  
471 health and substance abuse treatment history as provided by the  
472 Department of Corrections.

473 h. The probationer's or community controllee's personal,  
474 social, educational, and work history.

475 i. The results of current psychological testing of the  
476 probationer or community controllee if determined necessary by  
477 the qualified practitioner.

478 j. A description of the proposed contact, including the  
479 location, frequency, duration, and supervisory arrangement.

480 k. The child's preference and relative comfort level with  
481 the proposed contact, when age appropriate.

482 l. The parent's or legal guardian's preference regarding  
483 the proposed contact.

484 m. The qualified practitioner's opinion, along with the  
485 basis for that opinion, as to whether the proposed contact would  
486 likely pose significant risk of emotional or physical harm to  
487 the child.

488  
489 The written report of the assessment must be given to the court.

490 2. A recommendation made as a part of the risk assessment  
491 report as to whether supervised contact with the child should be  
492 approved.

493 3. A written consent signed by the child's parent or legal  
494 guardian, if the parent or legal guardian is not the probationer

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495 or community controllee, agreeing to the probationer's or  
496 community controllee's having supervised contact with the child  
497 after receiving full disclosure of the probationer's or  
498 community controllee's present legal status and past criminal  
499 history and the results of the risk assessment. The court may  
500 not approve contact with the child if the parent or legal  
501 guardian refuses to give written consent for supervised contact.

502 4. A safety plan prepared by the qualified practitioner  
503 who provides treatment to the probationer or community  
504 controllee in collaboration with the probationer or community  
505 controllee, the child's parent or legal guardian if the parent  
506 or legal guardian is not the probationer or community  
507 controllee, and the child, when age appropriate, which details  
508 the acceptable conditions of contact between the probationer or  
509 community controllee and the child. The safety plan must be  
510 reviewed and approved by the court.

511 5. Evidence that the child's parent or legal guardian  
512 understands the need for and agrees to the safety plan and has  
513 agreed to provide, or to designate another adult to provide,  
514 constant supervision any time the child is in contact with the  
515 probationer or community controllee.

516  
517 The court may not appoint a person to conduct a risk assessment  
518 and may not accept a risk assessment from a person who has not  
519 demonstrated to the court that he or she has met the  
520 requirements of a qualified practitioner.

521 (c) A prohibition against working for pay or as a  
522 volunteer at a school, child care facility, park, playground,  
523 pet store, library, zoo, theme park, shopping mall, or other  
524 place where children regularly congregate.

525 (d) A prohibition against visiting schools, child care  
526 facilities, parks, and playgrounds without prior approval from  
527 the probationer's or community controllee's community control or  
528 probation officer. The court may also designate additional  
529 locations in order to protect a victim. The prohibition ordered  
530 under this paragraph does not prohibit the probationer or  
531 community controllee from visiting a school, child care  
532 facility, park, or playground for the sole purpose of attending  
533 a religious service as defined in s. 775.0861 or transporting  
534 his or her children or grandchildren to or from a child care  
535 facility or school.

536 (e) A prohibition against distributing candy or other  
537 items to children on Halloween, wearing a Santa Claus costume or  
538 other costume to appeal to children on or preceding Christmas  
539 Day, wearing an Easter Bunny costume or other costume to appeal  
540 to children on or preceding Easter Sunday, entertaining at  
541 children's parties, or wearing a clown costume without prior  
542 approval from the court.

543 (4) A sentencing court may, in its discretion, impose the  
544 probation or community control conditions described in this  
545 section on a probationer or community controllee not described  
546 in subsection (2) whose violations are relevant to this section.

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547 (5) Probationers and community controllees subject to this  
548 section and s. 948.30 must be supervised by the Department of  
549 Corrections with probation officers who have a caseload of no  
550 more than 30 offenders. The probation officers should be trained  
551 in sexual offender issues and the operation of electronic  
552 monitoring and global tracking.

553 Section 9. If any provision of this act or its application  
554 to any person or circumstance is held invalid, the invalidity  
555 does not affect other provisions or applications of this act  
556 which can be given effect without the invalid provision or  
557 application, and to this end, the provisions of this act are  
558 severable.

559 Section 10. This act shall take effect October 1, 2015.