



670212

LEGISLATIVE ACTION

Senate

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House

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The Committee on Criminal Justice (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 921.2312, Florida Statutes, is created  
to read:

921.2312 Risk assessment reports.—If a defendant in a  
criminal case has been found guilty of or has entered a plea of  
nolo contendere or guilty to an offense specified in s.  
943.0435(1)(a)1.a.(I) which was committed on or after October 1,



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11 2015, a circuit court shall refer the case to a qualified  
12 practitioner as defined in s. 948.001. The qualified  
13 practitioner shall assess the defendant considering the factors  
14 specified in s. 948.30(1)(e)1.a.-i. and submit a written report  
15 to the circuit court at a time specified by the court before  
16 sentencing. The report must include the qualified practitioner's  
17 opinion, and the basis for that opinion, as to the defendant's  
18 risk of committing another sexual offense.

19 Section 2. Subsection (6) is added to section 948.30,  
20 Florida Statutes, to read:

21 948.30 Additional terms and conditions of probation or  
22 community control for certain sex offenses.—Conditions imposed  
23 pursuant to this section do not require oral pronouncement at  
24 the time of sentencing and shall be considered standard  
25 conditions of probation or community control for offenders  
26 specified in this section.

27 (6) Effective for a probationer or community controllee  
28 whose crime was committed on or after October 1, 2015, and who:

29 (a) Was 18 years of age or older at the time of the offense  
30 and is placed on probation or community control for a violation  
31 of chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s.  
32 827.071, or s. 847.0145 relating to unlawful sexual activity  
33 involving a victim 15 years of age or younger;

34 (b) Is required to register as a sexual predator under s.  
35 775.21;

36 (c) Is required to register as a sexual offender under s.  
37 943.0435, s. 944.606, or s. 944.607; or

38 (d) Was 18 years of age or older at the time of the offense  
39 and has previously been convicted of a violation of chapter 794,



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40 s. 800.04(4), s. 800.04(5), s. 800.04(6), s. 827.071, or s.  
41 847.0145 relating to unlawful sexual activity involving a victim  
42 15 years of age or younger and the offender,

43  
44 the court shall order, in addition to any other provision of  
45 this section, a mandatory curfew from 7 p.m. to 7 a.m. as a  
46 condition of the probation or community control supervision. The  
47 court may designate alternate hours upon the recommendation of  
48 the Department of Corrections if the offender's employment or  
49 public service precludes the specified hours. The court may also  
50 limit the offender's activities by requiring the offender to be  
51 at home if he or she is not working, performing public service,  
52 or receiving treatment. If the court determines that imposing a  
53 curfew would endanger the victim, the court may consider  
54 alternative sanctions.

55 Section 3. Lifetime electronic monitoring program study.-

56 (1) The Department of Law Enforcement shall implement a  
57 study to determine the feasibility of a lifetime electronic  
58 monitoring program, which would implement a system of monitoring  
59 sex offenders who are released from prison, probation, community  
60 control, or conditional release and who are sentenced by the  
61 court to lifetime electronic monitoring. The study should  
62 include, but need not be limited to, feasibility and benefit of:

63 (a) Electronic tracking of the movement and location of  
64 each sex offender sentenced to lifetime electronic monitoring  
65 from the time that he or she is released from prison, probation,  
66 community control, or conditional release for the remainder of  
67 his or her natural life.

68 (b) The use of an electronic system that actively monitors



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69 and identifies a sex offender's location and movement, and  
70 timely reports and records his or her presence near or at a  
71 crime scene or in a prohibited area, or his or her departure  
72 from specified geographic limitations. Such recorded information  
73 would be available upon request to a court or a law enforcement  
74 agency.

75 (2) By January 1, 2016, the department shall submit a  
76 report to the President of the Senate and the Speaker of the  
77 House of Representatives detailing the findings of the study.

78 Section 4. This act shall take effect October 1, 2015.

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

80 And the title is amended as follows:

81 Delete everything before the enacting clause  
82 and insert:

83 A bill to be entitled  
84 An act relating to sexual offenders; creating s.  
85 921.2312, F.S.; requiring that a circuit court refer  
86 certain cases to a qualified practitioner for a risk  
87 assessment before sentencing for a defendant who has  
88 been found guilty of or has entered a plea of nolo  
89 contendere or guilty to specified sexual offenses;  
90 specifying factors that may be used by the qualified  
91 practitioner in making the risk assessment; amending  
92 s. 948.30, F.S.; requiring the court to order a curfew  
93 as a condition of probation or community control for  
94 offenders who commit certain sexual offenses on or  
95 after a specified date; authorizing alternate  
96 sanctions in certain circumstances creating the  
97 lifetime electronic monitoring program study;



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98           requiring the Department of Law Enforcement to  
99           implement the study; providing parameters for the  
100          study; requiring the department to submit a report to  
101          the Legislature by a certain date; providing an  
102          effective date.