

By Senator Diaz de la Portilla

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1 A bill to be entitled
2 An act relating to lifetime electronic monitoring of
3 sex offenders; creating s. 943.71, F.S.; establishing
4 the lifetime electronic monitoring program within the
5 Department of Law Enforcement; requiring the
6 implementation of an electronic monitoring system to
7 monitor sex offenders sentenced to lifetime electronic
8 monitoring; requiring tracking the movement and
9 location of each sex offender; requiring timely
10 reporting and recording of the sex offender's presence
11 in certain circumstances; requiring that such records
12 be available upon request; requiring a sex offender
13 sentenced to lifetime electronic monitoring to wear or
14 carry an electronic monitoring device as determined by
15 the department; requiring the sex offender to
16 reimburse the department for the cost of the lifetime
17 electronic monitoring; creating s. 943.711, F.S.;
18 defining the term "sex offender"; requiring a
19 convicted sex offender to be sentenced to lifetime
20 electronic monitoring; providing criminal penalties;
21 authorizing a term of imprisonment imposed for
22 specified violations relating to lifetime electronic
23 monitoring to run consecutively with other violations;
24 providing an effective date.

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26 WHEREAS, the Legislature is concerned about convicted sex
27 offenders who are released from custody or supervision and
28 repeat the unlawful acts for which they were originally
29 convicted, and

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30 WHEREAS, the Legislature has a compelling interest in
31 protecting children and other individuals from predatory sexual
32 activity, and

33 WHEREAS, the Legislature finds that, despite registration
34 and reporting requirements, law enforcement agencies encounter
35 difficulties in locating many convicted sex offenders, and

36 WHEREAS, a 2012 report by the Office of Program Policy
37 Analysis and Government Accountability found that 40 percent of
38 sheriff's offices surveyed reported that they had difficulty
39 locating convicted sex offenders who provide transient
40 residences, and

41 WHEREAS, the Legislature believes that some convicted sex
42 offenders report their addresses as "transient" for the express
43 purpose of avoiding law enforcement oversight, and

44 WHEREAS, requiring a convicted sex offender to wear an
45 electronic monitoring device for the duration of his or her
46 natural life would provide law enforcement with the capability
47 of determining the offender's precise location, and

48 WHEREAS, an electronic monitoring system would immediately
49 inform law enforcement if a convicted sex offender was near a
50 prohibited area such as a park, a child care facility, a school,
51 or another location where children regularly congregate, and

52 WHEREAS, the implementation of this electronic monitoring
53 technology can assist law enforcement agencies in marshaling
54 their resources to more effectively protect children and others
55 from predatory sexual activity, NOW, THEREFORE,

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57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Section 943.71, Florida Statutes, is created to
60 read:

61 943.71 Lifetime electronic monitoring program.-

62 (1) The lifetime electronic monitoring program is
63 established in the department, which shall implement a system of
64 monitoring sex offenders who are released from prison,
65 probation, community control, or conditional release and who are
66 sentenced by the court to lifetime electronic monitoring. The
67 lifetime electronic monitoring program shall require all of the
68 following:

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

74 (b) Use of an electronic system that actively monitors and
75 identifies a sex offender's location and movement, and timely
76 reports and records his or her presence near or within a crime
77 scene or in a prohibited area or his or her departure from
78 specified geographic limitations. Such recorded information must
79 be available upon request to the court or a law enforcement
80 agency.

81 (2) A sex offender who is sentenced to lifetime electronic
82 monitoring shall wear or otherwise carry an electronic
83 monitoring device as determined by the department and in the
84 manner prescribed by the program. A sex offender subject to
85 electronic monitoring by the department shall pay the department
86 for the electronic monitoring services as provided in s.
87 948.09(2).

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88 Section 2. Section 943.711, Florida Statutes, is created to
89 read:

90 943.711 Lifetime electronic monitoring.-

91 (1) For purposes of this section, "sex offender" means an
92 offender convicted of a crime committed in this state on or
93 after October 1, 2015, for which he or she is required to
94 register pursuant to s. 775.21, s. 943.0435, or s. 944.607.

95 (2) A person convicted as a sex offender shall be sentenced
96 to lifetime electronic monitoring as provided under s. 943.71.

97 (3) A sex offender who willfully or knowingly commits any
98 of the following acts commits a felony of the third degree,
99 punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

100 (a) Intentionally altering, tampering with, damaging, or
101 destroying electronic monitoring equipment.

102 (b) Failure to notify the Department of Corrections of any
103 damage to an electronic monitoring device.

104 (c) Failure to reimburse the Department of Corrections or
105 its agent for the cost of electronic monitoring.

106 (4) A term of imprisonment imposed for a violation of this
107 section may be served consecutively to any term of imprisonment
108 imposed for any other violation of law which is committed by the
109 offender while in violation of this section.

110 Section 3. This act shall take effect October 1, 2015.