

By Senator Gibson

9-00184A-15

2015336__

1 A bill to be entitled
2 An act relating to sexual predators and offenders;
3 creating s. 921.2312, F.S.; requiring a circuit court
4 of the state to have a qualified practitioner conduct
5 a risk assessment before sentencing for a defendant
6 who has been found guilty of or has entered a plea of
7 nolo contendere or guilty to specified sexual
8 offenses; specifying reporting requirements for the
9 risk assessment; amending s. 948.30, F.S.; requiring
10 the court to order a curfew as a condition of
11 probation or community control for offenders who
12 commit certain sexual offenses on or after a specified
13 date; amending s. 948.31, F.S.; requiring, rather than
14 authorizing, the court to require specified
15 probationers or community controllees to undergo an
16 evaluation at the probationers' or community
17 controllees' expense; requiring the court, rather than
18 the qualified practitioner, to determine if a need is
19 established by the evaluation process and to require
20 the probationers or community controllees to complete
21 and pay for the treatment under certain circumstances;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 921.2312, Florida Statutes, is created
27 to read:

28 921.2312 Risk assessment reports.—If a defendant in a
29 criminal case has been found guilty of or has entered a plea of

9-00184A-15

2015336__

30 nolo contendere or guilty to an offense listed in s.
31 943.0435(1)(a)1.a.(I) which was committed on or after October 1,
32 2015, a circuit court of the state shall refer the case to a
33 qualified practitioner as defined in s. 948.001. The qualified
34 practitioner shall assess the defendant by considering the
35 components specified in s. 948.30(1)(e)1.a.-i. and submit a
36 written report to the circuit court at a time specified by the
37 court, before sentencing. The report must include the qualified
38 practitioner's opinion, along with the basis for that opinion,
39 as to the defendant's risk of committing another sexual offense.

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

42 948.30 Additional terms and conditions of probation or
43 community control for certain sex offenses.—Conditions imposed
44 pursuant to this section do not require oral pronouncement at
45 the time of sentencing and shall be considered standard
46 conditions of probation or community control for offenders
47 specified in this section.

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

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

55 (b) Is required to register as a sexual predator under s.
56 775.21;

57 (c) Is required to register as a sexual offender under s.
58 943.0435, s. 944.606, or s. 944.607; or

9-00184A-15

2015336__

59 (d) Has previously been convicted of a violation of chapter
60 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145
61 relating to unlawful sexual activity involving a victim 15 years
62 of age or younger and the offender was 18 years of age or older
63 at the time of the offense,

64
65 the court must order, in addition to any other provision of this
66 section, a mandatory curfew from 7 p.m. to 7 a.m. as a condition
67 of the probation or community control supervision. The court may
68 designate alternate hours if the offender's employment or public
69 service precludes this specified time and the alternative is
70 recommended by the Department of Corrections. The court may also
71 limit the offender's whereabouts by requiring the offender to be
72 at home if the offender is not working, performing public
73 service, or receiving treatment. If the court determines that
74 imposing a curfew would endanger the victim, the court may
75 consider alternative sanctions.

76 Section 3. Section 948.31, Florida Statutes, is amended to
77 read:

78 948.31 Evaluation and treatment of sexual predators and
79 offenders on probation or community control.—The court shall ~~may~~
80 require any probationer or community controllee who is required
81 to register as a sexual predator under s. 775.21 or sexual
82 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
83 an evaluation, at the probationer or community controllee's
84 expense, by a qualified practitioner to determine whether such
85 probationer or community controllee needs sexual offender
86 treatment. If the court ~~qualified practitioner~~ determines that a
87 need is established by the evaluation process, the court shall

9-00184A-15

2015336__

88 require ~~sexual offender treatment is needed and recommends~~
89 ~~treatment,~~ the probationer or community controllee to ~~must~~
90 successfully complete and pay for the treatment. Such treatment
91 must be obtained from a qualified practitioner as defined in s.
92 948.001. Treatment may not be administered by a qualified
93 practitioner who has been convicted or adjudicated delinquent of
94 committing, or attempting, soliciting, or conspiring to commit,
95 any offense that is listed in s. 943.0435(1)(a)1.a.(I).

96 Section 4. This act shall take effect July 1, 2015.