

1                   A bill to be entitled  
2           An act relating to criminal offenders; creating s.  
3           775.0201, F.S.; providing an additional mandatory term  
4           of imprisonment for specified offenses committed by  
5           sexual offenders and sexual predators; creating s.  
6           775.32, F.S.; providing definitions; authorizing  
7           sheriffs to assess fees for registering and  
8           reregistering specified types of offenders subject to  
9           registration requirements; specifying maximum fees;  
10          providing requirements for use of fees; providing for  
11          relocation of registrants; providing criminal  
12          penalties; amending s. 796.04, F.S.; providing  
13          enhanced criminal penalties for repeat violations of  
14          provisions prohibiting forcing, compelling, or  
15          coercing another to become a prostitute; amending ss.  
16          943.0435 and 944.606, F.S.; revising the definition of  
17          "sexual offender" to include persons convicted of  
18          specified prostitution-related offenses; creating s.  
19          948.33, F.S.; providing additional conditions for sex  
20          offender probation and community control for certain  
21          offenders who commit qualifying offenses after a  
22          specified date; providing that such conditions need  
23          not be pronounced orally at the time of sentencing;  
24          providing that such conditions may be applied to other  
25          relevant offenders; requiring that such offenders be  
26          supervised by certain Department of Corrections

27 officers; providing for severability; providing an  
 28 effective date.

29  
 30 Be It Enacted by the Legislature of the State of Florida:

31  
 32 Section 1. Section 775.0201, Florida Statutes, is created  
 33 to read:

34 775.0201 Additional penalties for certain offenses  
 35 committed by sexual offenders and sexual predators.-

36 (1) Effective for offenses committed on or after October  
 37 1, 2016, a person who is designated a sexual predator under s.  
 38 775.21 or subject to registration as a sexual offender under s.  
 39 943.0435 or s. 944.607, or who has a similar designation or is  
 40 subject to a similar registration requirement under the laws of  
 41 another jurisdiction, who commits:

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

46 (b) A felony violation, or an attempt thereof, of s.  
 47 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 48 787.025(2)(c), where the victim is a minor and the defendant is  
 49 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
 50 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
 51 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
 52 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133;

53 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
 54 916.1075(2); or s. 985.701(1), and the offender has previously  
 55 been convicted of or found to have committed, or has pled nolo  
 56 contendere or guilty to, regardless of adjudication, a violation  
 57 of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 58 787.025(2)(c), where the victim is a minor and the defendant is  
 59 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
 60 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
 61 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
 62 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133;  
 63 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
 64 916.1075(2); or s. 985.701(1),

65  
 66 shall be sentenced to a mandatory term of imprisonment of 10  
 67 years in addition to any other sentence imposed for the offense.

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

70 Section 2. Section 775.32, Florida Statutes, is created to  
 71 read:

72 775.32 Offender registration fees.—

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

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

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

78 (c) "Florida resident" means an offender who lived in this

79 state for at least 1 year before the initial registration or  
80 arrest for the qualifying offense that requires registration.

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

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

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

87 (2) The sheriff of each county may charge criminal  
88 registration fees for sexual predators, sexual offenders, career  
89 offenders, and convicted felons for the initial registration,  
90 reregistration, and registration updates with that sheriff.

91 Annual fees during a registration year, excluding the initial  
92 registration fee of a nonresident of this state, may not exceed  
93 \$200 per sexual predator, \$100 per sexual offender, \$50 per  
94 career offender, or \$25 per felony offender.

95 (3) The sheriff may not refuse to register a person,  
96 register a new residence address of a person, or verify the  
97 current residence address of a person, who does not pay a fee  
98 required under this section.

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

104 (5) All funds retained by the sheriff pursuant to this

105 section shall be credited to a special fund of the sheriff's  
106 office which shall be used solely for law enforcement and  
107 criminal prosecution purposes and which may not be used as a  
108 source of revenue to reduce the amount of funding otherwise made  
109 available to the sheriff's office.

110 (6) The sheriff may waive the registration or  
111 reregistration fee under this section for an offender who  
112 demonstrates indigency if he or she is a Florida resident. The  
113 sheriff shall document any waiver or alternative fee arrangement  
114 in the official registration records of the sheriff's office and  
115 shall provide the offender with a written copy of any waiver or  
116 alternative fee arrangement.

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

121 (8) If an offender has registered with a sheriff and  
122 subsequently relocates to a different county during a  
123 registration year, the annual maximum amounts set forth in  
124 subsection (2) apply to the sheriff of that county, and that  
125 sheriff shall consider any payments already made by the offender  
126 for the purposes of determining when the applicable maximum has  
127 been met for the offender's registration year.

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

131 Section 3. Section 796.04, Florida Statutes, is amended to  
 132 read:

133 796.04 Forcing, compelling, or coercing another to become  
 134 a prostitute.—

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

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

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

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

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

146 Section 4. Paragraph (a) of subsection (1) of section  
 147 943.0435, Florida Statutes, is amended to read:

148 943.0435 Sexual offenders required to register with the  
 149 department; penalty.—

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

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

154 a.(I) Has been convicted of committing, or attempting,  
 155 soliciting, or conspiring to commit, any of the criminal  
 156 offenses proscribed in the following statutes in this state or

157 similar offenses in another jurisdiction: s. 393.135(2); s.  
 158 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 159 the victim is a minor and the defendant is not the victim's  
 160 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.  
 161 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 162 former s. 796.03; former s. 796.035; s. 796.04(2)(b) or (c); s.  
 163 796.05; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.  
 164 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
 165 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any  
 166 similar offense committed in this state which has been  
 167 redesignated from a former statute number to one of those listed  
 168 in this sub-sub-subparagraph; and

169 (II) Has been released on or after October 1, 1997, from  
 170 the sanction imposed for any conviction of an offense described  
 171 in sub-sub-subparagraph (I). For purposes of sub-sub-  
 172 subparagraph (I), a sanction imposed in this state or in any  
 173 other jurisdiction includes, but is not limited to, a fine,  
 174 probation, community control, parole, conditional release,  
 175 control release, or incarceration in a state prison, federal  
 176 prison, private correctional facility, or local detention  
 177 facility;

178 b. Establishes or maintains a residence in this state and  
 179 who has not been designated as a sexual predator by a court of  
 180 this state but who has been designated as a sexual predator, as  
 181 a sexually violent predator, or by another sexual offender  
 182 designation in another state or jurisdiction and was, as a

183 result of such designation, subjected to registration or  
184 community or public notification, or both, or would be if the  
185 person were a resident of that state or jurisdiction, without  
186 regard to whether the person otherwise meets the criteria for  
187 registration as a sexual offender;

188 c. Establishes or maintains a residence in this state who  
189 is in the custody or control of, or under the supervision of,  
190 any other state or jurisdiction as a result of a conviction for  
191 committing, or attempting, soliciting, or conspiring to commit,  
192 any of the criminal offenses proscribed in the following  
193 statutes or similar offense in another jurisdiction: s.  
194 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
195 787.025(2)(c), where the victim is a minor and the defendant is  
196 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
197 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
198 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
199 796.04(2)(b) or (c); s. 796.05; s. 800.04; s. 810.145(8); s.  
200 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
201 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
202 916.1075(2); or s. 985.701(1); or any similar offense committed  
203 in this state which has been redesignated from a former statute  
204 number to one of those listed in this sub-subparagraph; or  
205 d. On or after July 1, 2007, has been adjudicated  
206 delinquent for committing, or attempting, soliciting, or  
207 conspiring to commit, any of the criminal offenses proscribed in  
208 the following statutes in this state or similar offenses in



209 another jurisdiction when the juvenile was 14 years of age or  
 210 older at the time of the offense:

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

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

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

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

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

222  
 223 For each violation of a qualifying offense listed in this  
 224 subsection, except for a violation of s. 794.011, the court  
 225 shall make a written finding of the age of the victim at the  
 226 time of the offense. For a violation of s. 800.04(4), the court  
 227 shall also make a written finding indicating whether the offense  
 228 involved sexual activity and indicating whether the offense  
 229 involved force or coercion. For a violation of s. 800.04(5), the  
 230 court shall also make a written finding that the offense did or  
 231 did not involve unclothed genitals or genital area and that the  
 232 offense did or did not involve the use of force or coercion.

233 Section 5. Paragraph (b) of subsection (1) of section  
 234 944.606, Florida Statutes, is amended to read:

235 944.606 Sexual offenders; notification upon release.—  
 236 (1) As used in this section:  
 237 (b) "Sexual offender" means a person who has been  
 238 convicted of committing, or attempting, soliciting, or  
 239 conspiring to commit, any of the criminal offenses proscribed in  
 240 the following statutes in this state or similar offenses in  
 241 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 242 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 243 the defendant is not the victim's parent or guardian; s.  
 244 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 245 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 246 former s. 796.035; s. 796.04(2)(b) or (c); s. 796.05; s. 800.04;  
 247 s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
 248 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
 249 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
 250 offense committed in this state which has been redesignated from  
 251 a former statute number to one of those listed in this  
 252 subsection, when the department has received verified  
 253 information regarding such conviction; an offender's  
 254 computerized criminal history record is not, in and of itself,  
 255 verified information.

256 Section 6. Section 948.33, Florida Statutes, is created to  
 257 read:

258 948.33 Sex offender probation and community control terms  
 259 and conditions.—

260 (1) Conditions imposed pursuant to this section do not

261 require oral pronouncement at the time of sentencing and shall  
262 be considered standard conditions of sex offender probation or  
263 community control for offenders specified in this section.

264 (2) For a probationer or community controllee who is  
265 required to register as a sexual predator under s. 775.21 or  
266 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 and  
267 who committed a qualifying offense on or after October 1, 2016,  
268 the court must impose the following conditions in addition to  
269 all other standard and special conditions imposed:

270 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court  
271 may designate another 8-hour period if the probationer's or  
272 community controllee's employment precludes such curfew and the  
273 alternative period is recommended by the Department of  
274 Corrections. If the court determines that imposing a curfew  
275 would endanger the victim, the court may consider alternative  
276 sanctions.

277 (b) Active participation in and successful completion of a  
278 sexual offender treatment program with qualified practitioners  
279 specifically trained to treat sexual offenders, at the  
280 probationer's or community controllee's expense. If a qualified  
281 practitioner is not available within a 50-mile radius of the  
282 probationer's or community controllee's residence, the  
283 probationer or community controllee shall participate in other  
284 appropriate therapy.

285 (c) A prohibition against any contact with the victim,  
286 directly or indirectly, including through a third person, unless

287 approved by the victim, a qualified practitioner in the sexual  
288 offender treatment program, and the sentencing court.

289 (d) A prohibition against viewing, accessing, owning, or  
290 possessing any obscene, pornographic, or sexually stimulating  
291 visual or auditory material unless otherwise indicated in the  
292 treatment plan provided by a qualified practitioner in the  
293 sexual offender treatment program. Visual or auditory material  
294 includes, but is not limited to, material transmitted by  
295 telephone, electronic media, computer programs, or computer  
296 services.

297 (e) A prohibition against accessing the Internet or other  
298 computer services until a qualified practitioner in the  
299 probationer's or community controllee's sexual offender  
300 treatment program, after a risk assessment is completed,  
301 approves and implements a safety plan for the probationer's or  
302 community controllee's accessing or using the Internet or other  
303 computer services.

304 (f) A requirement that the probationer or community  
305 controllee submit a specimen of blood or other approved  
306 biological specimen to the Department of Law Enforcement to be  
307 registered with the DNA data bank.

308 (g) A requirement that the probationer or community  
309 controllee make restitution to the victim, as ordered by the  
310 court under s. 775.089, for all necessary medical and related  
311 professional services relating to physical, psychiatric, and  
312 psychological care.

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

316 (i) As part of a treatment program, submission at least  
317 annually to a polygraph examination, at the probationer's or  
318 community controllee's expense, to obtain information necessary  
319 for risk management and treatment and to reduce the  
320 probationer's or community controllee's denial mechanisms. A  
321 polygraph examination must be conducted by a polygrapher who is  
322 a member of a national or state polygraph association and who is  
323 certified as a postconviction sexual offender polygrapher, where  
324 available. The results of the polygraph examination shall be  
325 provided to the probationer's or community controllee's  
326 probation officer and qualified practitioner and may not be used  
327 as evidence in court to prove that a violation of community  
328 supervision has occurred.

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

332 (k) A prohibition against obtaining or using a post office  
333 box without the prior approval of the community control or  
334 probation officer.

335 (l) If there was sexual contact, submission to, at the  
336 probationer's or community controllee's expense, an HIV test  
337 with the results to be released to the victim or the victim's  
338 parent or guardian.

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

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

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

346 The 1,000-foot distance shall be measured in a straight line  
347 from the offender's place of residence to the nearest boundary  
348 line of the school, child care facility, park, playground, or  
349 other place where children regularly congregate. The distance  
350 may not be measured by a pedestrian route or motor vehicle  
351 route. A probationer or community controllee who is subject to  
352 this paragraph may not be forced to relocate and does not  
353 violate his or her probation or community control if he or she  
354 is living in a residence that meets the requirements of this  
355 paragraph and a school, child care facility, park, playground,  
356 or other place where children regularly congregate is  
357 subsequently established within 1,000 feet of his or her  
358 residence.

359 (b) A prohibition against contact with a child under the  
360 age of 18 except as provided in this paragraph. The court may  
361 approve supervised contact with a child under the age of 18 if  
362 the approval is based on a recommendation for contact issued by  
363 a qualified practitioner who is basing the recommendation on a  
364 risk assessment. Further, the probationer or community

365 controllee must be currently enrolled in or have successfully  
366 completed a sexual offender treatment program. The court may not  
367 grant supervised contact with a child if the contact is not  
368 recommended by a qualified practitioner and may deny supervised  
369 contact with a child at any time. When considering whether to  
370 approve supervised contact with a child, the court must review  
371 and consider the following:

372 1. A risk assessment completed by a qualified  
373 practitioner. The qualified practitioner must prepare a written  
374 report that must include the findings of the assessment and  
375 address each of the following components:

376 a. The probationer's or community controllee's current  
377 legal status.

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

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

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

384 e. The probationer's or community controllee's offender  
385 treatment history, including consultations with his or her  
386 treating, or most recent treating, therapist.

387 f. The probationer's or community controllee's current  
388 mental status.

389 g. The probationer's or community controllee's mental  
390 health and substance abuse treatment history as provided by the

391 Department of Corrections.

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

394 i. The results of current psychological testing of the  
395 probationer or community controllee if determined necessary by  
396 the qualified practitioner.

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

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

401 l. The parent's or legal guardian's preference regarding  
402 the proposed contact.

403 m. The qualified practitioner's opinion, along with the  
404 basis for that opinion, as to whether the proposed contact would  
405 likely pose significant risk of emotional or physical harm to  
406 the child.

407

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

409 2. A recommendation made as a part of the risk assessment  
410 report as to whether supervised contact with the child should be  
411 approved.

412 3. A written consent signed by the child's parent or legal  
413 guardian, if the parent or legal guardian is not the probationer  
414 or community controllee, agreeing to the probationer's or  
415 community controllee's having supervised contact with the child  
416 after receiving full disclosure of the probationer's or



417 community controllee's present legal status and past criminal  
418 history and the results of the risk assessment. The court may  
419 not approve contact with the child if the parent or legal  
420 guardian refuses to give written consent for supervised contact.

421 4. A safety plan prepared by the qualified practitioner  
422 who provides treatment to the probationer or community  
423 controllee in collaboration with the probationer or community  
424 controllee, the child's parent or legal guardian if the parent  
425 or legal guardian is not the probationer or community  
426 controllee, and the child, when age appropriate, which details  
427 the acceptable conditions of contact between the probationer or  
428 community controllee and the child. The safety plan must be  
429 reviewed and approved by the court.

430 5. Evidence that the child's parent or legal guardian  
431 understands the need for and agrees to the safety plan and has  
432 agreed to provide, or to designate another adult to provide,  
433 constant supervision any time the child is in contact with the  
434 probationer or community controllee.

435  
436 The court may not appoint a person to conduct a risk assessment  
437 and may not accept a risk assessment from a person who has not  
438 demonstrated to the court that he or she has met the  
439 requirements of a qualified practitioner.

440 (c) A prohibition against working for pay or as a  
441 volunteer at a school, child care facility, park, playground,  
442 pet store, library, zoo, theme park, shopping mall, or other

443 place where children regularly congregate.

444 (d) A prohibition against visiting schools, child care  
445 facilities, parks, and playgrounds without prior approval from  
446 the probationer's or community controllee's community control or  
447 probation officer. The court may also designate additional  
448 locations in order to protect a victim. The prohibition ordered  
449 under this paragraph does not prohibit the probationer or  
450 community controllee from visiting a school, child care  
451 facility, park, or playground for the sole purpose of attending  
452 a religious service as defined in s. 775.0861 or transporting  
453 his or her children or grandchildren to or from a child care  
454 facility or school.

455 (e) A prohibition against distributing candy or other  
456 items to children on Halloween, wearing a Santa Claus costume or  
457 other costume to appeal to children on or preceding Christmas  
458 Day, wearing an Easter Bunny costume or other costume to appeal  
459 to children on or preceding Easter Sunday, entertaining at  
460 children's parties, or wearing a clown costume without prior  
461 approval from the court.

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

466 (5) Probationers and community controllees subject to this  
467 section and s. 948.30 must be supervised by the Department of  
468 Corrections with probation officers who have a caseload of no

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469 more than 30 offenders. The probation officers should be trained  
470 in sexual offender issues and the operation of electronic  
471 monitoring and global tracking.

472 Section 7. If any provision of this act or its application  
473 to any person or circumstance is held invalid, the invalidity  
474 does not affect other provisions or applications of this act  
475 which can be given effect without the invalid provision or  
476 application, and to this end, the provisions of this act are  
477 severable.

478 Section 8. This act shall take effect October 1, 2016.