

By Senator Hutson

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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 fees for 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 first
22 and subsequent offenses of sexting; amending ss.
23 943.0435 and 944.606, F.S.; revising the definition of
24 "sexual offender" to include persons convicted of
25 specified prostitution-related offenses; creating s.
26 948.33, F.S.; providing additional conditions for sex
27 offender probation and community control for certain
28 offenders who commit qualifying offenses after a
29 specified date; providing that such conditions need
30 not be pronounced orally at the time of sentencing;
31 providing that such conditions may be applied to other
32 relevant offenders; requiring that such offenders be

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33 supervised by certain Department of Corrections
34 officers; providing for severability; providing an
35 effective date.

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

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

41 24.115 Payment of prizes.—

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

51 2. Before payment of a prize of \$600 or more to a claimant
52 having such an outstanding obligation, the department shall
53 contact the Department of Law Enforcement to determine whether
54 the winner is a person required to register as a career
55 offender, sexual predator, or sexual offender and, if so,
56 whether the claimant owes a debt for any expenses related
57 thereto, including expenses related to registration,
58 notification, and verification of residence. If the offender
59 owes such a debt, it shall be paid out of the prize money as
60 provided in paragraph (b).

61 (b) Before ~~Prior to~~ the payment of a prize of \$600 or more

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

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

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

79 (1) Effective for offenses committed on or after October 1,
80 2016, a person who is designated as a sexual predator under s.
81 775.21 or subject to registration as a sexual offender under s.
82 943.0435 or s. 944.607, or who has a similar designation or is
83 subject to a similar registration requirement under the laws of
84 another jurisdiction, who commits:

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

89 (b) A felony violation, or an attempt thereof, of s.
90 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.

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91 787.025(2)(c), where the victim is a minor and the defendant is
 92 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 93 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 94 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 95 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133;
 96 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
 97 916.1075(2); or s. 985.701(1), and the offender has previously
 98 been convicted of or found to have committed, or has pled nolo
 99 contendere or guilty to, regardless of adjudication, a violation
 100 of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 101 787.025(2)(c), where the victim is a minor and the defendant is
 102 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 103 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 104 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 105 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133;
 106 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
 107 916.1075(2); or s. 985.701(1),

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

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

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

115 775.32 Offender registration fees.—

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

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

119 (b) "Convicted felon" means an offender who qualifies as a

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120 convicted felon under s. 775.13.

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

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

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

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

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

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

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

147 (5) All funds retained by the sheriff pursuant to this
148 section shall be credited to a special fund of the sheriff's

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149 office which shall be used solely for law enforcement and
150 criminal prosecution purposes and which may not be used as a
151 source of revenue to reduce the amount of funding otherwise made
152 available to the sheriff's office.

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

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

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

171 (9) Failure to pay a fee as required by this section,
172 unless waived under subsection (6), is a misdemeanor of the
173 second degree, punishable as provided in s. 775.082 or s.
174 775.083.

175 Section 4. Section 796.04, Florida Statutes, is amended to
176 read:

177 796.04 Forcing, compelling, or coercing another to become a

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178 prostitute.-

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

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

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

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

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

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

193 847.0141 Sexting; prohibited acts; penalties.-

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

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

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

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

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

210 3. The minor did not transmit or distribute the photograph
211 or video to a third party.

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

213 (a) For a first violation, commits a misdemeanor of the
214 second degree, punishable as provided in s. 775.082 or s.
215 775.083 ~~noncriminal violation for a first violation. The court~~
216 ~~may also order the minor must sign and accept a citation~~
217 ~~indicating a promise to appear before the juvenile court. In~~
218 ~~lieu of appearing in court, the minor may complete 8 hours of~~
219 ~~community service work, pay a \$60 civil penalty, or participate~~
220 ~~in a cyber-safety program if such a program is locally~~
221 ~~available. The minor must satisfy any penalty within 30 days~~
222 ~~after receipt of the citation.~~

223 ~~1. A citation issued to a minor under this subsection must~~
224 ~~be in a form prescribed by the issuing law enforcement agency,~~
225 ~~must be signed by the minor, and must contain all of the~~
226 ~~following:~~

227 ~~a. The date and time of issuance.~~

228 ~~b. The name and address of the minor to whom the citation~~
229 ~~is issued.~~

230 ~~c. A thumbprint of the minor to whom the citation is~~
231 ~~issued.~~

232 ~~d. Identification of the noncriminal violation and the time~~
233 ~~it was committed.~~

234 ~~e. The facts constituting reasonable cause.~~

235 ~~f. The specific section of law violated.~~

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236 ~~g. The name and authority of the citing officer.~~

237 ~~h. The procedures that the minor must follow to contest the~~
238 ~~citation, perform the required community service, pay the civil~~
239 ~~penalty, or participate in a cyber safety program.~~

240 ~~2. If the citation is contested and the court determines~~
241 ~~that the minor committed a noncriminal violation under this~~
242 ~~section, the court may order the minor to perform 8 hours of~~
243 ~~community service, pay a \$60 civil penalty, or participate in a~~
244 ~~cyber safety program, or any combination thereof.~~

245 ~~3. A minor who fails to comply with the citation waives his~~
246 ~~or her right to contest it, and the court may impose any of the~~
247 ~~penalties identified in subparagraph 2. or issue an order to~~
248 ~~show cause. Upon a finding of contempt, the court may impose~~
249 ~~additional age appropriate penalties, which may include issuance~~
250 ~~of an order to the Department of Highway Safety and Motor~~
251 ~~Vehicles to withhold issuance of, or suspend the driver license~~
252 ~~or driving privilege of, the minor for 30 consecutive days.~~
253 ~~However, the court may not impose incarceration.~~

254 ~~(b) For a second violation, commits a misdemeanor of the~~
255 ~~first degree for a violation that occurs after the minor has~~
256 ~~been found to have committed a noncriminal violation for sexting~~
257 ~~or has satisfied the penalty imposed in lieu of a court~~
258 ~~appearance as provided in paragraph (a), punishable as provided~~
259 ~~in s. 775.082 or s. 775.083.~~

260 ~~(c) For a third or subsequent violation, commits a felony~~
261 ~~of the third degree for a violation that occurs after the minor~~
262 ~~has been found to have committed a misdemeanor of the first~~
263 ~~degree for sexting, punishable as provided in s. 775.082, s.~~
264 ~~775.083, or s. 775.084.~~

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265 Section 6. Paragraph (a) of subsection (1) of section
266 943.0435, Florida Statutes, is amended to read:

267 943.0435 Sexual offenders required to register with the
268 department; penalty.—

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

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

273 a.(I) Has been convicted of committing, or attempting,
274 soliciting, or conspiring to commit, any of the criminal
275 offenses proscribed in the following statutes in this state or
276 similar offenses in another jurisdiction: s. 393.135(2); s.
277 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
278 the victim is a minor and the defendant is not the victim's
279 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
280 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
281 former s. 796.03; former s. 796.035; s. 796.04(2)(b) or (c); s.
282 796.05; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
283 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
284 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
285 similar offense committed in this state which has been
286 redesignated from a former statute number to one of those listed
287 in this sub-sub-subparagraph; and

288 (II) Has been released on or after October 1, 1997, from
289 the sanction imposed for any conviction of an offense described
290 in sub-sub-subparagraph (I). For purposes of sub-sub-
291 subparagraph (I), a sanction imposed in this state or in any
292 other jurisdiction includes, but is not limited to, a fine,
293 probation, community control, parole, conditional release,

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294 control release, or incarceration in a state prison, federal
295 prison, private correctional facility, or local detention
296 facility;

297 b. Establishes or maintains a residence in this state and
298 who has not been designated as a sexual predator by a court of
299 this state but who has been designated as a sexual predator, as
300 a sexually violent predator, or by another sexual offender
301 designation in another state or jurisdiction and was, as a
302 result of such designation, subjected to registration or
303 community or public notification, or both, or would be if the
304 person were a resident of that state or jurisdiction, without
305 regard to whether the person otherwise meets the criteria for
306 registration as a sexual offender;

307 c. Establishes or maintains a residence in this state who
308 is in the custody or control of, or under the supervision of,
309 any other state or jurisdiction as a result of a conviction for
310 committing, or attempting, soliciting, or conspiring to commit,
311 any of the criminal offenses proscribed in the following
312 statutes or similar offense in another jurisdiction: s.
313 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
314 787.025(2)(c), where the victim is a minor and the defendant is
315 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
316 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
317 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
318 796.04(2)(b) or (c); s. 796.05; s. 800.04; s. 810.145(8); s.
319 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
320 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
321 916.1075(2); or s. 985.701(1); or any similar offense committed
322 in this state which has been redesignated from a former statute

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323 number to one of those listed in this sub-subparagraph; or

324 d. On or after July 1, 2007, has been adjudicated
325 delinquent for committing, or attempting, soliciting, or
326 conspiring to commit, any of the criminal offenses proscribed in
327 the following statutes in this state or similar offenses in
328 another jurisdiction when the juvenile was 14 years of age or
329 older at the time of the offense:

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

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

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

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

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

341
342 For each violation of a qualifying offense listed in this
343 subsection, except for a violation of s. 794.011, the court
344 shall make a written finding of the age of the victim at the
345 time of the offense. For a violation of s. 800.04(4), the court
346 shall also make a written finding indicating whether the offense
347 involved sexual activity and indicating whether the offense
348 involved force or coercion. For a violation of s. 800.04(5), the
349 court shall also make a written finding that the offense did or
350 did not involve unclothed genitals or genital area and that the
351 offense did or did not involve the use of force or coercion.

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352 Section 7. Paragraph (b) of subsection (1) of section
353 944.606, Florida Statutes, is amended to read:

354 944.606 Sexual offenders; notification upon release.-

355 (1) As used in this section:

356 (b) "Sexual offender" means a person who has been convicted
357 of committing, or attempting, soliciting, or conspiring to
358 commit, any of the criminal offenses proscribed in the following
359 statutes in this state or similar offenses in another
360 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
361 787.02, or s. 787.025(2)(c), where the victim is a minor and the
362 defendant is not the victim's parent or guardian; s.
363 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
364 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
365 former s. 796.035; s. 796.04(2)(b) or (c); s. 796.05; s. 800.04;
366 s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
367 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
368 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
369 offense committed in this state which has been redesignated from
370 a former statute number to one of those listed in this
371 subsection, when the department has received verified
372 information regarding such conviction; an offender's
373 computerized criminal history record is not, in and of itself,
374 verified information.

375 Section 8. Section 948.33, Florida Statutes, is created to
376 read:

377 948.33 Sex offender probation and community control terms
378 and conditions.-

379 (1) Conditions imposed pursuant to this section do not
380 require oral pronouncement at the time of sentencing and shall

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381 be considered standard conditions of sex offender probation or
382 community control for offenders specified in this section.

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

389 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
390 designate another 8-hour period if the probationer's or
391 community controllee's employment precludes such curfew and the
392 alternative period is recommended by the Department of
393 Corrections. If the court determines that imposing a curfew
394 would endanger the victim, the court may consider alternative
395 sanctions.

396 (b) Active participation in and successful completion of a
397 sexual offender treatment program with qualified practitioners
398 specifically trained to treat sexual offenders, at the
399 probationer's or community controllee's expense. If a qualified
400 practitioner is not available within a 50-mile radius of the
401 probationer's or community controllee's residence, the
402 probationer or community controllee shall participate in other
403 appropriate therapy.

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

408 (d) A prohibition against viewing, accessing, owning, or
409 possessing any obscene, pornographic, or sexually stimulating

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410 visual or auditory material unless otherwise indicated in the
411 treatment plan provided by a qualified practitioner in the
412 sexual offender treatment program. Visual or auditory material
413 includes, but is not limited to, material transmitted by
414 telephone, electronic media, computer programs, or computer
415 services.

416 (e) A prohibition against accessing the Internet or other
417 computer services until a qualified practitioner in the
418 probationer's or community controllee's sexual offender
419 treatment program, after a risk assessment is completed,
420 approves and implements a safety plan for the probationer's or
421 community controllee's accessing or using the Internet or other
422 computer services.

423 (f) A requirement that the probationer or community
424 controllee submit a specimen of blood or other approved
425 biological specimen to the Department of Law Enforcement to be
426 registered with the DNA data bank.

427 (g) A requirement that the probationer or community
428 controllee make restitution to the victim, as ordered by the
429 court under s. 775.089, for all necessary medical and related
430 professional services relating to physical, psychiatric, and
431 psychological care.

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

435 (i) As part of a treatment program, submission at least
436 annually to a polygraph examination, at the probationer's or
437 community controllee's expense, to obtain information necessary
438 for risk management and treatment and to reduce the

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439 probationer's or community controllee's denial mechanisms. A
440 polygraph examination must be conducted by a polygrapher who is
441 a member of a national or state polygraph association and who is
442 certified as a postconviction sexual offender polygrapher, where
443 available. The results of the polygraph examination shall be
444 provided to the probationer's or community controllee's
445 probation officer and qualified practitioner and may not be used
446 as evidence in court to prove that a violation of community
447 supervision has occurred.

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

451 (k) A prohibition against obtaining or using a post office
452 box without the prior approval of the community control or
453 probation officer.

454 (l) If there was sexual contact, submission to, at the
455 probationer's or community controllee's expense, an HIV test
456 with the results to be released to the victim or the victim's
457 parent or guardian.

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

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

462 (a) A prohibition against living within 1,000 feet of a
463 school, child care facility, park, playground, or other place
464 where children regularly congregate, as prescribed by the court.
465 The 1,000-foot distance shall be measured in a straight line
466 from the offender's place of residence to the nearest boundary
467 line of the school, child care facility, park, playground, or

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468 other place where children regularly congregate. The distance
469 may not be measured by a pedestrian route or motor vehicle
470 route. A probationer or community controllee who is subject to
471 this paragraph may not be forced to relocate and does not
472 violate his or her probation or community control if he or she
473 is living in a residence that meets the requirements of this
474 paragraph and a school, child care facility, park, playground,
475 or other place where children regularly congregate is
476 subsequently established within 1,000 feet of his or her
477 residence.

478 (b) A prohibition against contact with a child under the
479 age of 18 except as provided in this paragraph. The court may
480 approve supervised contact with a child under the age of 18 if
481 the approval is based on a recommendation for contact issued by
482 a qualified practitioner who is basing the recommendation on a
483 risk assessment. Further, the probationer or community
484 controllee must be currently enrolled in or have successfully
485 completed a sexual offender treatment program. The court may not
486 grant supervised contact with a child if the contact is not
487 recommended by a qualified practitioner and may deny supervised
488 contact with a child at any time. When considering whether to
489 approve supervised contact with a child, the court must review
490 and consider the following:

491 1. A risk assessment completed by a qualified practitioner.
492 The qualified practitioner must prepare a written report that
493 must include the findings of the assessment and address each of
494 the following components:

495 a. The probationer's or community controllee's current
496 legal status.

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- 497 b. The probationer's or community controllee's history of
498 adult charges with apparent sexual motivation.
- 499 c. The probationer's or community controllee's history of
500 adult charges without apparent sexual motivation.
- 501 d. The probationer's or community controllee's history of
502 juvenile charges, whenever available.
- 503 e. The probationer's or community controllee's offender
504 treatment history, including consultations with his or her
505 treating, or most recent treating, therapist.
- 506 f. The probationer's or community controllee's current
507 mental status.
- 508 g. The probationer's or community controllee's mental
509 health and substance abuse treatment history as provided by the
510 Department of Corrections.
- 511 h. The probationer's or community controllee's personal,
512 social, educational, and work history.
- 513 i. The results of current psychological testing of the
514 probationer or community controllee if determined necessary by
515 the qualified practitioner.
- 516 j. A description of the proposed contact, including the
517 location, frequency, duration, and supervisory arrangement.
- 518 k. The child's preference and relative comfort level with
519 the proposed contact, when age appropriate.
- 520 l. The parent's or legal guardian's preference regarding
521 the proposed contact.
- 522 m. The qualified practitioner's opinion, along with the
523 basis for that opinion, as to whether the proposed contact would
524 likely pose significant risk of emotional or physical harm to
525 the child.

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

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

3. A written consent signed by the child's parent or legal guardian, if the parent or legal guardian is not the probationer or community controllee, agreeing to the probationer's or community controllee's having supervised contact with the child after receiving full disclosure of the probationer's or community controllee's present legal status and past criminal history and the results of the risk assessment. The court may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact.

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

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

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555 The court may not appoint a person to conduct a risk assessment
556 and may not accept a risk assessment from a person who has not
557 demonstrated to the court that he or she has met the
558 requirements of a qualified practitioner.

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

563 (d) A prohibition against visiting schools, child care
564 facilities, parks, and playgrounds without prior approval from
565 the probationer's or community controllee's community control or
566 probation officer. The court may also designate additional
567 prohibited locations in order to protect a victim. The
568 prohibition ordered under this paragraph does not prohibit the
569 probationer or community controllee from visiting a school,
570 child care facility, park, or playground for the sole purpose of
571 attending a religious service as defined in s. 775.0861 or
572 transporting his or her children or grandchildren to or from a
573 child care facility or school.

574 (e) A prohibition against distributing candy or other items
575 to children on Halloween, wearing a Santa Claus costume or other
576 costume to appeal to children on or preceding Christmas Day,
577 wearing an Easter Bunny costume or other costume to appeal to
578 children on or preceding Easter Sunday, entertaining at
579 children's parties, or wearing a clown costume without prior
580 approval from the court.

581 (4) A sentencing court may, in its discretion, impose the
582 probation or community control conditions described in this
583 section on a probationer or community controllee not described

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584 in subsection (2) whose violations are relevant to this section.

585 (5) Probationers and community controllees subject to this
586 section and s. 948.30 must be supervised by the Department of
587 Corrections with probation officers who have a caseload of no
588 more than 30 offenders. The probation officers must be trained
589 in sexual offender issues and the operation of electronic
590 monitoring and global tracking.

591 Section 9. If any provision of this act or its application
592 to any person or circumstance is held invalid, the invalidity
593 does not affect other provisions or applications of this act
594 which can be given effect without the invalid provision or
595 application, and to this end, the provisions of this act are
596 severable.

597 Section 10. This act shall take effect October 1, 2016.