

## **CS/CS/HB 119 — Sexual Offenders and Predators**

by Military and Local Affairs Policy Committee; Public Safety and Domestic Security Policy Committee; and Rep. Glorioso and others (CS/SB 1284 by Criminal Justice Committee and Senators Crist, Aronberg, Joyner, Bennett, Detert, Fasano, Storms, Gaetz, Hill, Wise, Baker, and Bullard)

This bill deals with regulation of sexual offenders, sexual predators, and other persons who have committed certain sex-related crimes. Its provisions include:

- Creation of s. 856.022, F.S., which includes new criminal offenses and enhanced penalties that apply to persons who have been convicted of certain sexual offenses. The new statute: (1) enhances the punishment for loitering and prowling to a first degree misdemeanor when a sexual offender commits the offense within 300 feet of a place where children were congregating; (2) prohibits such an offender from approaching a child at a public park or playground with the intent to engage in conduct or communication of a sexual nature; and (3) requires that such an offender notify school officials before entering the building or grounds of a child care facility or school and that he or she be directly supervised while on school grounds. There are exceptions for voting locations and offenders who are dropping off their own child or grandchild.
- Amending ss. 775.21, 943.0435, 944.606, 944.607, and s. 984.481, F.S., to require registration and reporting of a transient address of sexual predators and sexual offenders if no permanent or temporary address is available, and to include related definitions.
- Renumbering the statewide residency restriction for persons convicted of certain sexual offenses from s. 794.065, F.S., to s. 775.215, F.S. Substantively, the statute is amended to: (1) add definitions of “child care facility,” “park,” “playground,” and “school”; (2) include a grandfather clause providing that an offender who lives in a residence that meets the residency requirement is not required to relocate if a prohibited location is subsequently established within 1000 feet of that residence; (3) relieve offenders who have been removed from the requirement to register as a sexual offender or a sexual predator pursuant to s. 943.94354, F.S., from complying with the residency restriction; and (4) applying the residency restriction to offenders who have been convicted of similar sexual offenses in other jurisdictions.
- Amending s. 943.04352, F.S., to require a search of the Dru Sjodin National Sex Offender Public Website when a person is placed on misdemeanor probation.
- Amending s. 943.04354, F.S., to add s. 827.071, F.S. (Sexual Performance by a Child), to the list of offenses for which a young sexual offender can be considered for removal from the requirement to register as a sexual offender under the “Romeo and Juliet” provision in s. 943.04354, F.S. As in other cases, a judge will make the final decision as to whether the specific circumstances of the offense warrant removal from the registry.
- Amending s. 947.005, F.S. (relating to conditional release), and s. 948.001, F.S. (relating to probation and community control), to add definitions of “child care facility,” “park,” “playground,” and “school.” The existing definition of “qualified practitioner” is amended to require a practitioner who is not a psychiatrist or a psychologist to have the qualifications and experience to evaluate and treat sexual offenders.

- Amending s. 948.31, F.S., to provide that any sexual predator or sexual offender who is placed on conditional release, probation, or community control must be evaluated and, if needed, treated by a qualified practitioner trained to treat sex offenders.
- Amending conditions of conditional release, probation, and community control in ss. 947.1405 and 948.30, F.S., that apply to certain sexual offenders. The amendments include: (1) replacing the undefined term “day care center” with the newly defined term “child care facility” in relation to the residency restriction; (2) providing that an offender who lives in a residence that is in compliance with the residency restriction does not have to relocate if a prohibited location is subsequently established within 1000 feet of that residence; (3) providing that a “qualified practitioner,” rather than the offender’s therapist, must approve certain activities; (4) requiring that the annual polygraph examination be performed by a polygrapher who is a member of a national or state polygraph association and who is certified as a postconviction sex offender polygrapher, and that the results must be provided to the offender’s probation officer and therapist.
- Including additional conditions of conditional release, probation, and community control to ss. 947.1405 and 948.30, F.S., for certain sexual offenders. The new conditions are: (1) a prohibition against visiting schools, child care facilities, parks or playgrounds without approval from the offender’s probation officer, with exceptions for attending religious services or dropping off or picking up the offender’s child or grandchild; (2) prohibitions against certain activities relating to children, including distributing candy or other items at Halloween; wearing a Santa Claus or Easter Bunny costume, or another costume designed to appeal to children, around the time of Christmas or Easter; entertaining at children’s parties; or wearing a clown costume without prior approval from the commission or the court.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 115-0*