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1 (3) "Secretary" means the Secretary of Corrections.

2 (4) "Presumptive parole release date" means the
3 tentative parole release date as determined by objective
4 parole guidelines.

5 (5) "Effective parole release date" means the actual
6 parole release date as determined by the presumptive parole
7 release date, satisfactory institutional conduct, and an
8 acceptable parole plan.

9 (6) "Tentative release date" means the date projected
10 for the prisoner's release from custody by virtue of gain-time
11 granted or forfeited pursuant to s. 944.275(3)(a).

12 (7) "Provisional release date" means the date
13 projected for the prisoner's release from custody as
14 determined pursuant to s. 944.277.

15 (8) "Authority" means the Control Release Authority.

16 (9) "Qualified practitioner" means a psychiatrist
17 licensed under chapter 458 or chapter 459, a psychologist
18 licensed under chapter 490, or a social worker, mental health
19 counselor, or a marriage and family therapist licensed under
20 chapter 491, who has also completed special training to
21 evaluate and treat sex offenders and has at least 5 years'
22 experience treating sex offenders. The training must consist
23 of, at a minimum, 20 hours of continuing education training
24 approved by the professional's licensing entity in sex
25 offender assessment and treatment and must be completed
26 biennially.

27 (10) "Risk assessment" means an assessment completed
28 by an independent qualified practitioner to evaluate the level
29 of risk associated when a sex offender has contact with a
30 child.

31 (11) "Safety plan" means a written document prepared

1 by the qualified practitioner, in collaboration with the sex
 2 offender, the child's parent or legal guardian, and, when
 3 appropriate, the child, which establishes clear roles and
 4 responsibilities for each individual involved in any contact
 5 between the child and the sex offender.

6 Section 2. Paragraph (a) of subsection (7) of section
 7 947.1405, Florida Statutes, is amended to read:

8 947.1405 Conditional release program.--

9 (7) (a) Any inmate who is convicted of a crime
 10 committed on or after October 1, 1995, or who has been
 11 previously convicted of a crime committed on or after October
 12 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
 13 or s. 847.0145, and is subject to conditional release
 14 supervision, shall have, in addition to any other conditions
 15 imposed, the following special conditions imposed by the
 16 commission:

17 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 18 commission may designate another 8-hour period if the
 19 offender's employment precludes the above specified time, and
 20 such alternative is recommended by the Department of
 21 Corrections. If the commission determines that imposing a
 22 curfew would endanger the victim, the commission may consider
 23 alternative sanctions.

24 2. If the victim was under the age of 18, a
 25 prohibition on living within 1,000 feet of a school, day care
 26 center, park, playground, designated public school bus stop,
 27 or other place where children regularly congregate. A releasee
 28 who is subject to this subparagraph may not relocate to a
 29 residence that is within 1,000 feet of a public school bus
 30 stop. Beginning October 1, 2004, the commission or the
 31 department may not approve a residence that is located within

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1 1,000 feet of a school, day care center, park, playground,
2 designated school bus stop, or other place where children
3 regularly congregate for any releasee who is subject to this
4 subparagraph. On October 1, 2004, the department shall notify
5 each affected school district of the location of the residence
6 of a releasee 30 days prior to release and thereafter, if the
7 releasee relocates to a new residence, shall notify any
8 affected school district of the residence of the releasee
9 within 30 days after relocation. If, on October 1, 2004, any
10 public school bus stop is located within 1,000 feet of the
11 existing residence of such releasee, the district school board
12 shall relocate that school bus stop. Beginning October 1,
13 2004, a district school board may not establish or relocate a
14 public school bus stop within 1,000 feet of the residence of a
15 releasee who is subject to this subparagraph. The failure of
16 the district school board to comply with this subparagraph
17 shall not result in a violation of conditional release
18 supervision.

19 3. Active participation in and successful completion
20 of a sex offender treatment program with qualified
21 practitioners ~~therapists~~ specifically trained to treat sex
22 offenders, at the releasee's own expense. If a qualified
23 practitioner ~~specialized trained therapist~~ is not available
24 within a 50-mile radius of the releasee's residence, the
25 offender shall participate in other appropriate therapy.

26 4. A prohibition on any contact with the victim,
27 directly or indirectly, including through a third person,
28 unless approved by the victim, the offender's therapist, and
29 the sentencing court.

30 5. If the victim was under the age of 18, a
31 prohibition against ~~direct~~ contact ~~or association~~ with

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1 children under the age of 18 without review and approval by
2 the commission. The commission may approve supervised contact
3 with a child under the age of 18 if the approval is based upon
4 a recommendation for contact issued by a qualified
5 practitioner who is basing the recommendation on a risk
6 assessment. Further, the sex offender must be currently
7 enrolled in or have successfully completed a sex offender
8 therapy program. The commission may not grant supervised
9 contact with a child if the contact is not recommended by a
10 qualified practitioner and may deny supervised contact with a
11 child at any time. When considering whether to approve
12 supervised contact with a child, the commission must review
13 and consider the following:

14 a. A risk assessment completed by a qualified
15 practitioner. The qualified practitioner must prepare a
16 written report that must include the findings of the
17 assessment and address each of the following components:

18 (I) The sex offender's current legal status;

19 (II) The sex offender's history of adult charges with
20 apparent sexual motivation;

21 (III) The sex offender's history of adult charges
22 without apparent sexual motivation;

23 (IV) The sex offender's history of juvenile charges,
24 whenever available;

25 (V) The sex offender's offender treatment history,
26 including a consultation from the sex offender's treating, or
27 most recent treating, therapist;

28 (VI) The sex offender's current mental status;

29 (VII) The sex offender's mental health and
30 substance-abuse history as provided by the Department of
31 Corrections;

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1 (VIII) The sex offender's personal, social, education,
2 and work history;

3 (IX) The results of current psychological testing of
4 the sex offender if determined necessary by the qualified
5 practitioner;

6 (X) A description of the proposed contact, including
7 the location, frequency, duration, and supervisory
8 arrangement;

9 (XI) The child's preference and relative comfort level
10 with the proposed contact, when age-appropriate;

11 (XII) The parent's or legal guardian's preference
12 regarding the proposed contact; and

13 (XIII) The qualified practitioner's opinion, along
14 with the basis for that opinion, as to whether the proposed
15 contact would likely pose significant risk of emotional or
16 physical harm to the child.

17
18 The written report of the assessment must be given to the
19 commission.

20 b. A recommendation made as a part of the
21 risk-assessment report as to whether supervised contact with
22 the child should be approved;

23 c. A written consent signed by the child's parent or
24 legal guardian, if the parent or legal guardian is not the sex
25 offender, agreeing to the sex offender having supervised
26 contact with the child after receiving full disclosure of the
27 sex offender's present legal status, past criminal history,
28 and the results of the risk assessment. The commission may not
29 approve contact with the child if the parent or legal guardian
30 refuses to give written consent for supervised contact;

31 d. A safety plan prepared by the qualified

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1 practitioner, who provides treatment to the offender, in
2 collaboration with the sex offender, the child's parent or
3 legal guardian, and the child, when age appropriate, which
4 details the acceptable conditions of contact between the sex
5 offender and the child. The safety plan must be reviewed and
6 approved by the Department of Corrections before being
7 submitted to the commission; and

8 e. Evidence that the child's parent or legal guardian,
9 if the parent or legal guardian is not the sex offender,
10 understands the need for and agrees to the safety plan and has
11 agreed to provide, or to designate another adult to provide,
12 constant supervision any time the child is in contact with the
13 offender. ~~until all of the following conditions are met:~~

14 ~~a. Successful completion of a sex offender treatment~~
15 ~~program.~~

16 ~~b. The adult person who is legally responsible for the~~
17 ~~welfare of the child has been advised of the nature of the~~
18 ~~crime.~~

19 ~~c. Such adult person is present during all contact or~~
20 ~~association with the child.~~

21 ~~d. Such adult person has been approved by the~~
22 ~~commission.~~

23
24 The Department of Health shall prepare and maintain a list of
25 persons designated as a qualified practitioner as defined in
26 s. 947.005. A person who believes that he or she meets the
27 criteria of a qualified practitioner must submit documentation
28 to the department supporting the person's proposed
29 designation. The commission may not appoint a person to
30 conduct a risk assessment and may not accept a risk assessment
31 from a person who is not on the list of qualified

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1 practitioners maintained by the department. A qualified
2 practitioner who has been directly participating in the
3 treatment of the sex offender may not prepare a risk
4 assessment for that sex offender.

5 6. If the victim was under age 18, a prohibition on
6 working for pay or as a volunteer at any school, day care
7 center, park, playground, or other place where children
8 regularly congregate, as prescribed by the commission.

9 7. Unless otherwise indicated in the treatment plan
10 provided by the sexual offender treatment program, a
11 prohibition on viewing, owning, or possessing any obscene,
12 pornographic, or sexually stimulating visual or auditory
13 material, including telephone, electronic media, computer
14 programs, or computer services that are relevant to the
15 offender's deviant behavior pattern.

16 8. Effective for a releasee whose crime is committed
17 on or after July 1, 2005, a prohibition on accessing the
18 Internet or other computer services until the offender's sex
19 offender treatment program, after a risk assessment is
20 completed, approves and implements a safety plan for the
21 offender's accessing or using the Internet or other computer
22 services.

23 ~~9.8.~~ A requirement that the releasee must submit two
24 specimens of blood to the Florida Department of Law
25 Enforcement to be registered with the DNA database.

26 ~~10.9.~~ A requirement that the releasee make restitution
27 to the victim, as determined by the sentencing court or the
28 commission, for all necessary medical and related professional
29 services relating to physical, psychiatric, and psychological
30 care.

31 ~~11.10.~~ Submission to a warrantless search by the

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1 community control or probation officer of the probationer's or
2 community controllee's person, residence, or vehicle.

3 Section 3. Present subsections (6) and (7) of section
4 948.001, Florida Statutes, are redesignated as subsections (9)
5 and (10), respectively, and new subsections (6), (7), and (8)
6 are added to that section, to read:

7 948.001 Definitions.--As used in this chapter, the
8 term:

9 (6) "Qualified practitioner" means a psychiatrist
10 licensed under chapter 458 or chapter 459, a psychologist
11 licensed under chapter 490, or a social worker, mental health
12 counselor, or a marriage and family therapist licensed under
13 chapter 491, who has also completed special training to
14 evaluate and treat sex offenders and has at least 5 years'
15 experience treating sex offenders. The training must consist
16 of, at a minimum, 20 hours of continuing education training
17 approved by the professional's licensing entity in sex
18 offender assessment and treatment and must be completed
19 biennially.

20 (7) "Risk assessment" means an assessment completed by
21 an independent qualified practitioner to evaluate the level of
22 risk associated when a sex offender has contact with a child.

23 (8) "Safety plan" means a written document prepared by
24 the qualified practitioner, in collaboration with the sex
25 offender, the child's parent or legal guardian, and, when
26 appropriate, the child which establishes clear roles and
27 responsibilities for each individual involved in any contact
28 between the child and the sex offender.

29 Section 4. Subsection (1) of section 948.30, Florida
30 Statutes, is amended to read:

31 948.30 Additional terms and conditions of probation or

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1 community control for certain sex offenses.--Conditions
2 imposed pursuant to this section do not require oral
3 pronouncement at the time of sentencing and shall be
4 considered standard conditions of probation or community
5 control for offenders specified in this section.

6 (1) Effective for probationers or community
7 controllees whose crime was committed on or after October 1,
8 1995, and who are placed under supervision for violation of
9 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court
10 must impose the following conditions in addition to all other
11 standard and special conditions imposed:

12 (a) A mandatory curfew from 10 p.m. to 6 a.m. The
13 court may designate another 8-hour period if the offender's
14 employment precludes the above specified time, and the ~~such~~
15 alternative is recommended by the Department of Corrections.
16 If the court determines that imposing a curfew would endanger
17 the victim, the court may consider alternative sanctions.

18 (b) If the victim was under the age of 18, a
19 prohibition on living within 1,000 feet of a school, day care
20 center, park, playground, or other place where children
21 regularly congregate, as prescribed by the court. The
22 1,000-foot distance shall be measured in a straight line from
23 the offender's place of residence to the nearest boundary line
24 of the school, day care center, park, playground, or other
25 place where children congregate. The distance may not be
26 measured by a pedestrian route or automobile route.

27 (c) Active participation in and successful completion
28 of a sex offender treatment program with qualified
29 practitioners ~~therapists~~ specifically trained to treat sex
30 offenders, at the probationer's or community controllee's own
31 expense. If a qualified practitioner ~~specially trained~~

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1 ~~therapist~~ is not available within a 50-mile radius of the
2 probationer's or community controllee's residence, the
3 offender shall participate in other appropriate therapy.

4 (d) A prohibition on any contact with the victim,
5 directly or indirectly, including through a third person,
6 unless approved by the victim, the offender's therapist, and
7 the sentencing court.

8 (e) If the victim was under the age of 18, a
9 ~~prohibition, until successful completion of a sex offender~~
10 ~~treatment program, on unsupervised~~ contact with a child under
11 the age of 18 except as provided in this paragraph, unless
12 authorized by the sentencing court without another adult
13 present who is responsible for the child's welfare, has been
14 advised of the crime, and is approved by the sentencing court.
15 The court may approve supervised contact with a child under
16 the age of 18 if the approval is based upon a recommendation
17 for contact issued by a qualified practitioner who is basing
18 the recommendation on a risk assessment. Further, the sex
19 offender must be currently enrolled in or have successfully
20 completed a sex offender therapy program. The court may not
21 grant supervised contact with a child if the contact is not
22 recommended by a qualified practitioner and may deny
23 supervised contact with a child at any time. When considering
24 whether to approve supervised contact with a child, the court
25 must review and consider the following:

26 1. A risk assessment completed by a qualified
27 practitioner. The qualified practitioner must prepare a
28 written report that must include the findings of the
29 assessment and address each of the following components:

30 a. The sex offender's current legal status;
31 b. The sex offender's history of adult charges with

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1 apparent sexual motivation;
2 c. The sex offender's history of adult charges without
3 apparent sexual motivation;
4 d. The sex offender's history of juvenile charges,
5 whenever available;
6 e. The sex offender's offender treatment history,
7 including consultations with the sex offender's treating, or
8 most recent treating, therapist;
9 f. The sex offender's current mental status;
10 g. The sex offender's mental health and
11 substance-abuse-treatment history as provided by the
12 Department of Corrections;
13 h. The sex offender's personal, social, education, and
14 work history;
15 i. The results of current psychological testing of the
16 sex offender if determined necessary by the qualified
17 practitioner;
18 j. A description of the proposed contact, including
19 the location, frequency, duration, and supervisory
20 arrangement;
21 k. The child's preference and relative comfort level
22 with the proposed contact, when age-appropriate;
23 l. The parent's or legal guardian's preference
24 regarding the proposed contact; and
25 m. The qualified practitioner's opinion, along with
26 the basis for that opinion, as to whether the proposed contact
27 would likely pose significant risk of emotional or physical
28 harm to the child.
29
30 The written report of the assessment must be given to the
31 court.

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

4 3. A written consent signed by the child's parent or
5 legal guardian, if the parent or legal guardian is not the sex
6 offender, agreeing to the sex offender having supervised
7 contact with the child after receiving full disclosure of the
8 sex offender's present legal status, past criminal history,
9 and the results of the risk assessment. The court may not
10 approve contact with the child if the parent or legal guardian
11 refuses to give written consent for supervised contact.

12 4. A safety plan prepared by the qualified
13 practitioner, who provides treatment to the offender, in
14 collaboration with the sex offender, the child's parent or
15 legal guardian, if the parent or legal guardian is not the sex
16 offender, and the child, when age appropriate, which details
17 the acceptable conditions of contact between the sex offender
18 and the child. The safety plan must be reviewed and approved
19 by the court; and

20 5. Evidence that the child's parent or legal guardian
21 understands the need for and agrees to the safety plan and has
22 agreed to provide, or to designate another adult to provide,
23 constant supervision any time the child is in contact with the
24 offender.

25
26 The Department of Health shall prepare and maintain a list of
27 persons designated as a qualified practitioner as defined in
28 s. 947.005. A person who believes that he or she meets the
29 criteria of a qualified practitioner must submit documentation
30 to the department supporting the person's proposed
31 designation. The court may not appoint a person to conduct a

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1 risk assessment and may not accept a risk assessment from a
2 person who is not on the list of qualified practitioners
3 maintained by the department. A qualified practitioner who has
4 been directly participating in the treatment of the sex
5 offender may not prepare a risk assessment for that sex
6 offender.

7 (f) If the victim was under age 18, a prohibition on
8 working for pay or as a volunteer at any school, day care
9 center, park, playground, or other place where children
10 regularly congregate.

11 (g) Unless otherwise indicated in the treatment plan
12 provided by the sexual offender treatment program, a
13 prohibition on viewing, accessing, owning, or possessing any
14 obscene, pornographic, or sexually stimulating visual or
15 auditory material, including telephone, electronic media,
16 computer programs, or computer services that are relevant to
17 the offender's deviant behavior pattern.

18 (h) Effective for probationers and community
19 controllees whose crime is committed on or after July 1, 2005,
20 a prohibition on accessing the Internet or other computer
21 services until the offender's sex offender treatment program,
22 after a risk assessment is completed, approves and implements
23 a safety plan for the offender's accessing or using the
24 Internet or other computer services.

25 (i) ~~(h)~~ A requirement that the probationer or community
26 controllee must submit a specimen of blood or other approved
27 biological specimen to the Department of Law Enforcement to be
28 registered with the DNA data bank.

29 (j) ~~(i)~~ A requirement that the probationer or community
30 controllee make restitution to the victim, as ordered by the
31 court under s. 775.089, for all necessary medical and related

1 professional services relating to physical, psychiatric, and
2 psychological care.

3 (k)(j) Submission to a warrantless search by the
4 community control or probation officer of the probationer's or
5 community controllee's person, residence, or vehicle.

6 Section 5. For the purpose of incorporating the
7 amendments made to section 947.1405, Florida Statutes, in a
8 reference thereto, paragraph (b) of subsection (3) of section
9 775.21, Florida Statutes, is reenacted to read:

10 775.21 The Florida Sexual Predators Act.--

11 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
12 INTENT.--

13 (b) The high level of threat that a sexual predator
14 presents to the public safety, and the long-term effects
15 suffered by victims of sex offenses, provide the state with
16 sufficient justification to implement a strategy that
17 includes:

18 1. Incarcerating sexual predators and maintaining
19 adequate facilities to ensure that decisions to release sexual
20 predators into the community are not made on the basis of
21 inadequate space.

22 2. Providing for specialized supervision of sexual
23 predators who are in the community by specially trained
24 probation officers with low caseloads, as described in ss.
25 947.1405(7) and 948.30. The sexual predator is subject to
26 specified terms and conditions implemented at sentencing or at
27 the time of release from incarceration, with a requirement
28 that those who are financially able must pay all or part of
29 the costs of supervision.

30 3. Requiring the registration of sexual predators,
31 with a requirement that complete and accurate information be

1 maintained and accessible for use by law enforcement
2 authorities, communities, and the public.

3 4. Providing for community and public notification
4 concerning the presence of sexual predators.

5 5. Prohibiting sexual predators from working with
6 children, either for compensation or as a volunteer.

7 Section 6. This act shall take effect July 1, 2005.

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