

1 A bill to be entitled
2 An act relating to criminal offenders; creating s.
3 775.32, F.S.; providing definitions; authorizing
4 sheriffs to assess fees for registering and
5 reregistering specified types of offenders subject to
6 registration requirements; specifying maximum fees;
7 providing requirements for use of fees; providing for
8 relocation of registrants; providing criminal
9 penalties; amending s. 794.0115, F.S.; creating a
10 designation of "serious sexual felony offender";
11 providing an additional mandatory term of imprisonment
12 for specified offenses committed by serious sexual
13 felony offenders; amending ss. 943.0435 and 944.606,
14 F.S.; revising the definition of "sexual offender" to
15 include persons convicted of a specified prostitution-
16 related offense; amending s. 948.001, F.S.; revising
17 the definition of the term "sex offender probation" or
18 "sex offender community control" to include a
19 reference to s. 948.30, F.S.; amending s. 948.30,
20 F.S.; applying additional conditions for sex offender
21 probation and community control to certain offenders
22 who commit qualifying offenses after a specified date;
23 providing that such conditions need not be pronounced
24 orally at the time of sentencing; providing that such
25 conditions may be applied to other relevant offenders;
26 requiring that conditions be orally pronounced when

27 applied to other relevant offenders; requiring that
 28 such offenders be supervised by certain Department of
 29 Corrections officers; providing for severability;
 30 providing an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Section 775.32, Florida Statutes, is created to
 35 read:

36 775.32 Offender registration fees.—

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

38 (a) "Career offender" means an offender who qualifies for
 39 registration under s. 775.261.

40 (b) "Convicted felon" means an offender who qualifies for
 41 registration under s. 775.13.

42 (c) "Sexual offender" means an offender designated as a
 43 sexual offender who qualifies for registration under s.
 44 943.0435.

45 (d) "Sexual predator" means an offender designated as a
 46 sexual predator who qualifies for registration under s. 775.21.

47 (e) "Registration year" means the 12-month period
 48 beginning on the first day of the offender's birth month.

49 (2) The sheriff of each county may charge registration
 50 fees for sexual predators, sexual offenders, career offenders,
 51 and convicted felons for initial registration, reregistration,
 52 and registration updates with that sheriff. Annual fees during a

53 registration year may not exceed \$200 per sexual predator, \$100
54 per sexual offender, \$50 per career offender, or \$25 per felony
55 offender. If an individual is required to register for multiple
56 categories, only the highest fee shall be imposed.

57 (3) The sheriff may not refuse to register a person,
58 register a new residence address of a person, or verify the
59 current residence address of a person, who does not pay a fee
60 required under this section.

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

66 (5) All funds retained by the sheriff pursuant to this
67 section shall be credited to a special fund of the sheriff's
68 office which shall be used solely for law enforcement and
69 criminal prosecution purposes and which may not be used as a
70 source of revenue to reduce the amount of funding otherwise made
71 available to the sheriff's office.

72 (6) The sheriff may waive the registration or
73 reregistration fee under this section for a person who
74 demonstrates indigency. The sheriff shall document any waiver or
75 alternative fee arrangement in the official registration records
76 of the sheriff's office and shall provide the person with a
77 written copy of any waiver or alternative fee arrangement.

78 (7) If a person has registered with a sheriff during a

79 registration year and subsequently relocates to a different
 80 county before the conclusion of the registration year, the
 81 annual maximum amounts set forth in subsection (2) apply to the
 82 sheriff of the county of relocation. The sheriff of the county
 83 of relocation shall include any payments already made by the
 84 person during the registration year for purposes of determining
 85 when the applicable maximum has been met.

86 (8) If, after a court makes a finding that the person has
 87 the ability to pay, the person knowingly fails to pay a
 88 registration fee required under this section, the person commits
 89 a misdemeanor of the second degree, punishable as provided in s.
 90 775.082 or s. 775.083. This subsection does not apply if the
 91 registration fee is waived under subsection (6).

92 Section 2. Subsections (6) and (7) of section 794.0115,
 93 Florida Statutes, are renumbered as subsections (7) and (8),
 94 respectively, subsection (1) is amended, and a new subsection
 95 (6) is added to that section, to read:

96 794.0115 Dangerous and serious sexual felony offenders
 97 offender; mandatory sentencing.—

98 (1) This section may be cited as the "Dangerous and
 99 Serious Sexual Felony Offenders ~~Offender~~ Act."

100 (6) A person who is designated as a sexual predator under
 101 s. 775.21 or designated as a sexual offender under s. 943.0435
 102 or s. 944.606, or who has a similar designation or is subject to
 103 similar registration requirements under the laws of another
 104 jurisdiction, who commits, on or after October 1, 2016, a felony

105 violation, or an attempt thereof, of s. 393.135(2); s.
106 394.4593(2); s. 787.01 or s. 787.02, where the victim is a
107 minor; s. 787.06(3)(b), (d), (f), or (g); s. 794.05; s.
108 810.145(8)(b); s. 847.0133; s. 847.0135, excluding s.
109 847.0135(6); s. 916.1075(2); or s. 985.701(1), is a serious
110 sexual felony offender, who must be sentenced to a mandatory
111 minimum term of 10 years imprisonment.

112 (7)~~(6)~~ Notwithstanding s. 775.082(3), chapter 958, any
113 other law, or any interpretation or construction thereof, a
114 person subject to sentencing under this section must be
115 sentenced to the mandatory term of imprisonment provided under
116 this section. If the mandatory minimum term of imprisonment
117 imposed under this section exceeds the maximum sentence
118 authorized under s. 775.082, s. 775.084, or chapter 921, the
119 mandatory minimum term of imprisonment under this section must
120 be imposed. If the mandatory minimum term of imprisonment under
121 this section is less than the sentence that could be imposed
122 under s. 775.082, s. 775.084, or chapter 921, the sentence
123 imposed must include the mandatory minimum term of imprisonment
124 under this section.

125 (8)~~(7)~~ A defendant sentenced to a mandatory minimum term
126 of imprisonment under this section is not eligible for statutory
127 gain-time under s. 944.275 or any form of discretionary early
128 release, other than pardon or executive clemency, or conditional
129 medical release under s. 947.149, before serving the minimum
130 sentence.

131 Section 3. Paragraph (a) of subsection (1) of section
 132 943.0435, Florida Statutes, is amended to read:

133 943.0435 Sexual offenders required to register with the
 134 department; penalty.—

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

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

139 a.(I) Has been convicted of committing, or attempting,
 140 soliciting, or conspiring to commit, any of the criminal
 141 offenses proscribed in the following statutes in this state or
 142 similar offenses in another jurisdiction: s. 393.135(2); s.
 143 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 144 the victim is a minor and the defendant is not the victim's
 145 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
 146 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 147 former s. 796.03; former s. 796.035; s. 796.05; s. 800.04; s.
 148 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 149 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 150 s. 916.1075(2); or s. 985.701(1); or any similar offense
 151 committed in this state which has been redesignated from a
 152 former statute number to one of those listed in this sub-sub-
 153 subparagraph; and

154 (II) Has been released on or after October 1, 1997, from
 155 the sanction imposed for any conviction of an offense described
 156 in sub-sub-subparagraph (I). For purposes of sub-sub-

157 | subparagraph (I), a sanction imposed in this state or in any
 158 | other jurisdiction includes, but is not limited to, a fine,
 159 | probation, community control, parole, conditional release,
 160 | control release, or incarceration in a state prison, federal
 161 | prison, private correctional facility, or local detention
 162 | facility;

163 | b. Establishes or maintains a residence in this state and
 164 | who has not been designated as a sexual predator by a court of
 165 | this state but who has been designated as a sexual predator, as
 166 | a sexually violent predator, or by another sexual offender
 167 | designation in another state or jurisdiction and was, as a
 168 | result of such designation, subjected to registration or
 169 | community or public notification, or both, or would be if the
 170 | person were a resident of that state or jurisdiction, without
 171 | regard to whether the person otherwise meets the criteria for
 172 | registration as a sexual offender;

173 | c. Establishes or maintains a residence in this state who
 174 | is in the custody or control of, or under the supervision of,
 175 | any other state or jurisdiction as a result of a conviction for
 176 | committing, or attempting, soliciting, or conspiring to commit,
 177 | any of the criminal offenses proscribed in the following
 178 | statutes or similar offense in another jurisdiction: s.
 179 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 180 | 787.025(2)(c), where the victim is a minor and the defendant is
 181 | not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 182 | or (g); former s. 787.06(3)(h); s. 794.011, excluding s.

183 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 184 796.05; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
 185 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 186 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
 187 similar offense committed in this state which has been
 188 redesignated from a former statute number to one of those listed
 189 in this sub-subparagraph; or

190 d. On or after July 1, 2007, has been adjudicated
 191 delinquent for committing, or attempting, soliciting, or
 192 conspiring to commit, any of the criminal offenses proscribed in
 193 the following statutes in this state or similar offenses in
 194 another jurisdiction when the juvenile was 14 years of age or
 195 older at the time of the offense:

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

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

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

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

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

207

208 For each violation of a qualifying offense listed in this

209 subsection, except for a violation of s. 794.011, the court
 210 shall make a written finding of the age of the victim at the
 211 time of the offense. For a violation of s. 800.04(4), the court
 212 shall also make a written finding indicating whether the offense
 213 involved sexual activity and indicating whether the offense
 214 involved force or coercion. For a violation of s. 800.04(5), the
 215 court shall also make a written finding that the offense did or
 216 did not involve unclothed genitals or genital area and that the
 217 offense did or did not involve the use of force or coercion.

218 Section 4. Paragraph (b) of subsection (1) of section
 219 944.606, Florida Statutes, is amended to read:

220 944.606 Sexual offenders; notification upon release.—

221 (1) As used in this section:

222 (b) "Sexual offender" means a person who has been
 223 convicted of committing, or attempting, soliciting, or
 224 conspiring to commit, any of the criminal offenses proscribed in
 225 the following statutes in this state or similar offenses in
 226 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 227 s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and~~
 228 the defendant is not the victim's parent or guardian; s.
 229 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 230 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 231 former s. 796.035; s. 796.05; s. 800.04; s. 810.145(8); s.
 232 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 233 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 234 916.1075(2); or s. 985.701(1); or any similar offense committed

235 in this state which has been redesignated from a former statute
 236 number to one of those listed in this subsection, when the
 237 department has received verified information regarding such
 238 conviction; an offender's computerized criminal history record
 239 is not, in and of itself, verified information.

240 Section 5. Subsection (13) of section 948.001, Florida
 241 Statutes, is amended to read:

242 948.001 Definitions.—As used in this chapter, the term:

243 (13) "Sex offender probation" or "sex offender community
 244 control" means a form of intensive supervision ordered pursuant
 245 to s. 948.30, with or without electronic monitoring, which
 246 emphasizes treatment and supervision of a sex offender in
 247 accordance with an individualized treatment plan administered by
 248 an officer who has a restricted caseload and specialized
 249 training. An officer who supervises an offender placed on sex
 250 offender probation or sex offender community control must meet
 251 as necessary with a treatment provider and polygraph examiner to
 252 develop and implement the supervision and treatment plan, if a
 253 treatment provider and polygraph examiner specially trained in
 254 the treatment and monitoring of sex offenders are reasonably
 255 available.

256 Section 6. Section 948.30, Florida Statutes, is amended to
 257 read:

258 948.30 Additional terms and conditions of probation or
 259 community control for certain sex offenses.—~~Conditions imposed~~
 260 ~~pursuant to this section do not require oral pronouncement at~~

261 ~~the time of sentencing and shall be considered standard~~
262 ~~conditions of probation or community control for offenders~~
263 ~~specified in this section.~~

264 (1) Effective for probationers or community controllees
265 whose crime was committed on or after October 1, 1995, and who
266 are placed under supervision for violation of chapter 794, s.
267 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
268 must impose the following conditions in addition to all other
269 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 offender's employment
272 precludes the above specified time, and the alternative is
273 recommended by the Department of Corrections. If the court
274 determines that imposing a curfew would endanger the victim, the
275 court may consider alternative sanctions.

276 (b) If the victim was under the age of 18, a prohibition
277 on living within 1,000 feet of a school, child care facility,
278 park, playground, or other place where children regularly
279 congregate, as prescribed by the court. The 1,000-foot distance
280 shall be measured in a straight line from the offender's place
281 of residence to the nearest boundary line of the school, child
282 care facility, park, playground, or other place where children
283 congregate. The distance may not be measured by a pedestrian
284 route or automobile route. A probationer or community controllee
285 who is subject to this paragraph may not be forced to relocate
286 and does not violate his or her probation or community control

287 | if he or she is living in a residence that meets the
288 | requirements of this paragraph and a school, child care
289 | facility, park, playground, or other place where children
290 | regularly congregate is subsequently established within 1,000
291 | feet of his or her residence.

292 | (c) Active participation in and successful completion of a
293 | sex offender treatment program with qualified practitioners
294 | specifically trained to treat sex offenders, at the
295 | probationer's or community controllee's own expense. If a
296 | qualified practitioner is not available within a 50-mile radius
297 | of the probationer's or community controllee's residence, the
298 | offender shall participate in other appropriate therapy.

299 | (d) A prohibition on any contact with the victim, directly
300 | or indirectly, including through a third person, unless approved
301 | by the victim, a qualified practitioner in the sexual offender
302 | treatment program, and the sentencing court.

303 | (e) If the victim was under the age of 18, a prohibition
304 | on contact with a child under the age of 18 except as provided
305 | in this paragraph. The court may approve supervised contact with
306 | a child under the age of 18 if the approval is based upon a
307 | recommendation for contact issued by a qualified practitioner
308 | who is basing the recommendation on a risk assessment. Further,
309 | the sex offender must be currently enrolled in or have
310 | successfully completed a sex offender therapy program. The court
311 | may not grant supervised contact with a child if the contact is
312 | not recommended by a qualified practitioner and may deny

313 supervised contact with a child at any time. When considering
314 whether to approve supervised contact with a child, the court
315 must review and consider the following:

316 1. A risk assessment completed by a qualified
317 practitioner. The qualified practitioner must prepare a written
318 report that must include the findings of the assessment and
319 address each of the following components:

320 a. The sex offender's current legal status;

321 b. The sex offender's history of adult charges with
322 apparent sexual motivation;

323 c. The sex offender's history of adult charges without
324 apparent sexual motivation;

325 d. The sex offender's history of juvenile charges,
326 whenever available;

327 e. The sex offender's offender treatment history,
328 including consultations with the sex offender's treating, or
329 most recent treating, therapist;

330 f. The sex offender's current mental status;

331 g. The sex offender's mental health and substance abuse
332 treatment history as provided by the Department of Corrections;

333 h. The sex offender's personal, social, educational, and
334 work history;

335 i. The results of current psychological testing of the sex
336 offender if determined necessary by the qualified practitioner;

337 j. A description of the proposed contact, including the
338 location, frequency, duration, and supervisory arrangement;

339 k. The child's preference and relative comfort level with
340 the proposed contact, when age appropriate;

341 1. The parent's or legal guardian's preference regarding
342 the proposed contact; and

343 m. The qualified practitioner's opinion, along with the
344 basis for that opinion, as to whether the proposed contact would
345 likely pose significant risk of emotional or physical harm to
346 the child.

347
348 The written report of the assessment must be given to the court;

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

352 3. A written consent signed by the child's parent or legal
353 guardian, if the parent or legal guardian is not the sex
354 offender, agreeing to the sex offender having supervised contact
355 with the child after receiving full disclosure of the sex
356 offender's present legal status, past criminal history, and the
357 results of the risk assessment. The court may not approve
358 contact with the child if the parent or legal guardian refuses
359 to give written consent for supervised contact;

360 4. A safety plan prepared by the qualified practitioner,
361 who provides treatment to the offender, in collaboration with
362 the sex offender, the child's parent or legal guardian, if the
363 parent or legal guardian is not the sex offender, and the child,
364 when age appropriate, which details the acceptable conditions of

365 contact between the sex offender and the child. The safety plan
366 must be reviewed and approved by the court; and

367 5. Evidence that the child's parent or legal guardian
368 understands the need for and agrees to the safety plan and has
369 agreed to provide, or to designate another adult to provide,
370 constant supervision any time the child is in contact with the
371 offender.

372
373 The court may not appoint a person to conduct a risk assessment
374 and may not accept a risk assessment from a person who has not
375 demonstrated to the court that he or she has met the
376 requirements of a qualified practitioner as defined in this
377 section.

378 (f) If the victim was under age 18, a prohibition on
379 working for pay or as a volunteer at any place where children
380 regularly congregate, including, but not limited to, schools,
381 child care facilities, parks, playgrounds, pet stores,
382 libraries, zoos, theme parks, and malls.

383 (g) Unless otherwise indicated in the treatment plan
384 provided by a qualified practitioner in the sexual offender
385 treatment program, a prohibition on viewing, accessing, owning,
386 or possessing any obscene, pornographic, or sexually stimulating
387 visual or auditory material, including telephone, electronic
388 media, computer programs, or computer services that are relevant
389 to the offender's deviant behavior pattern.

390 (h) Effective for probationers and community controllees

391 | whose crime is committed on or after July 1, 2005, a prohibition
392 | on accessing the Internet or other computer services until a
393 | qualified practitioner in the offender's sex offender treatment
394 | program, after a risk assessment is completed, approves and
395 | implements a safety plan for the offender's accessing or using
396 | the Internet or other computer services.

397 | (i) A requirement that the probationer or community
398 | controllee must submit a specimen of blood or other approved
399 | biological specimen to the Department of Law Enforcement to be
400 | registered with the DNA data bank.

401 | (j) A requirement that the probationer or community
402 | controllee make restitution to the victim, as ordered by the
403 | court under s. 775.089, for all necessary medical and related
404 | professional services relating to physical, psychiatric, and
405 | psychological care.

406 | (k) Submission to a warrantless search by the community
407 | control or probation officer of the probationer's or community
408 | controllee's person, residence, or vehicle.

409 | (2) Effective for a probationer or community controllee
410 | whose crime was committed on or after October 1, 1997, and who
411 | is placed on community control or sex offender probation for a
412 | violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
413 | or s. 847.0145, in addition to any other provision of this
414 | section, the court must impose the following conditions of
415 | probation or community control:

416 | (a) As part of a treatment program, participation at least

417 annually in polygraph examinations to obtain information
418 necessary for risk management and treatment and to reduce the
419 sex offender's denial mechanisms. A polygraph examination must
420 be conducted by a polygrapher who is a member of a national or
421 state polygraph association and who is certified as a
422 postconviction sex offender polygrapher, where available, and
423 shall be paid for by the probationer or community controllee.
424 The results of the polygraph examination shall be provided to
425 the probationer's or community controllee's probation officer
426 and qualified practitioner and shall not be used as evidence in
427 court to prove that a violation of community supervision has
428 occurred.

429 (b) Maintenance of a driving log and a prohibition against
430 driving a motor vehicle alone without the prior approval of the
431 supervising officer.

432 (c) A prohibition against obtaining or using a post office
433 box without the prior approval of the supervising officer.

434 (d) If there was sexual contact, a submission to, at the
435 probationer's or community controllee's expense, an HIV test
436 with the results to be released to the victim or the victim's
437 parent or guardian.

438 (e) Electronic monitoring when deemed necessary by the
439 community control or probation officer and his or her
440 supervisor, and ordered by the court at the recommendation of
441 the Department of Corrections.

442 (3) Effective for a probationer or community controllee

443 whose crime was committed on or after September 1, 2005, and
444 who:

445 (a) Is placed on probation or community control for a
446 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
447 or s. 847.0145 and the unlawful sexual activity involved a
448 victim 15 years of age or younger and the offender is 18 years
449 of age or older;

450 (b) Is designated a sexual predator pursuant to s. 775.21;
451 or

452 (c) Has previously been convicted of a violation of
453 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
454 847.0145 and the unlawful sexual activity involved a victim 15
455 years of age or younger and the offender is 18 years of age or
456 older,

457
458 the court must order, in addition to any other provision of this
459 section, mandatory electronic monitoring as a condition of the
460 probation or community control supervision.

461 (4) In addition to all other conditions imposed, for a
462 probationer or community controllee who is subject to
463 supervision for a crime that was committed on or after May 26,
464 2010, and who has been convicted at any time of committing, or
465 attempting, soliciting, or conspiring to commit, any of the
466 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
467 similar offense in another jurisdiction, against a victim who
468 was under the age of 18 at the time of the offense; if the

469 offender has not received a pardon for any felony or similar law
470 of another jurisdiction necessary for the operation of this
471 subsection, if a conviction of a felony or similar law of
472 another jurisdiction necessary for the operation of this
473 subsection has not been set aside in any postconviction
474 proceeding, or if the offender has not been removed from the
475 requirement to register as a sexual offender or sexual predator
476 pursuant to s. 943.04354, the court must impose the following
477 conditions:

478 (a) A prohibition on visiting schools, child care
479 facilities, parks, and playgrounds, without prior approval from
480 the offender's supervising officer. The court may also designate
481 additional locations to protect a victim. The prohibition
482 ordered under this paragraph does not prohibit the offender from
483 visiting a school, child care facility, park, or playground for
484 the sole purpose of attending a religious service as defined in
485 s. 775.0861 or picking up or dropping off the offender's
486 children or grandchildren at a child care facility or school.

487 (b) A prohibition on distributing candy or other items to
488 children on Halloween; wearing a Santa Claus costume, or other
489 costume to appeal to children, on or preceding Christmas;
490 wearing an Easter Bunny costume, or other costume to appeal to
491 children, on or preceding Easter; entertaining at children's
492 parties; or wearing a clown costume; without prior approval from
493 the court.

494 (5) Effective for a probationer or community controllee

495 whose crime was committed on or after October 1, 2014, and who
496 is placed on probation or community control for a violation of
497 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
498 847.0145, in addition to all other conditions imposed, the court
499 must impose a condition prohibiting the probationer or community
500 controllee from viewing, accessing, owning, or possessing any
501 obscene, pornographic, or sexually stimulating visual or
502 auditory material unless otherwise indicated in the treatment
503 plan provided by a qualified practitioner in the sexual offender
504 treatment program. Visual or auditory material includes, but is
505 not limited to, telephone, electronic media, computer programs,
506 and computer services.

507 (6) Effective for a probationer or community controllee
508 whose crime was committed on or after October 1, 2016, who is
509 designated as a sexual offender or sexual predator at the time
510 of such offense, and who is placed on probation or community
511 control for committing a qualifying offense requiring
512 registration under s. 775.21, s. 943.0435, or s. 944.606, the
513 court shall impose all the special conditions of probation
514 described in subsections (1) through (5).

515 (7) (a) Except as provided in paragraph (b), conditions
516 imposed pursuant to this section do not require oral
517 pronouncement at the time of sentencing and shall be considered
518 standard conditions of probation or community control for
519 offenders specified in this section.

520 (b) An offender who is placed on probation or community

521 control for an offense that does not require additional
522 conditions of probation under subsection (1), subsection (2),
523 subsection (3), subsection (4), subsection (5), or subsection
524 (6) may be required by the sentencing court to comply with any
525 of the special conditions of this section if a review of the
526 record supports a finding that the offense had a sexual
527 component or motivation and the court makes such finding.
528 Conditions imposed by a court in accordance with this paragraph
529 require oral pronouncement.

530 (8) Probationers and community controllees subject to this
531 section must be supervised by the Department of Corrections with
532 probation officers who have a caseload of no more than 30
533 offenders. The probation officers should be trained in sexual
534 offender issues and the operation of electronic monitoring and
535 global tracking.

536 Section 7. If any provision of this act or its application
537 to any person or circumstance is held invalid, the invalidity
538 does not affect other provisions or applications of this act
539 which can be given effect without the invalid provision or
540 application, and to this end, the provisions of this act are
541 severable.

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