

1 A bill to be entitled
2 An act relating to sexual offenders; amending
3 s. 947.1405, F.S.; prohibiting sexual offenders
4 subject to conditional release supervision from
5 living within a specified distance of certain
6 places where children congregate; creating a
7 new section to chapter 794; prohibiting persons
8 convicted of certain sex crimes from residing
9 within 1,000 feet of a school, day care center,
10 park, or playground; creating a new section to
11 chapter 794; prohibiting persons convicted of
12 certain sex crimes from residing within 1,000
13 feet of a school, day care center, park, or
14 playground; providing an effective date.

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

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18 Section 1. Paragraph (a) of subsection (7) of section
19 947.1405, Florida Statutes, is amended to read:

20 947.1405 Conditional release program.--

21 (7)(a) Any inmate who is convicted of a crime
22 committed on or after October 1, 1995, or who has been
23 previously convicted of a crime committed on or after October
24 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
25 or s. 847.0145, and is subject to conditional release
26 supervision, shall have, in addition to any other conditions
27 imposed, the following special conditions imposed by the
28 commission:

29 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
30 may designate another 8-hour period if the offender's
31 employment precludes the above specified time, and such

1 alternative is recommended by the Department of Corrections.
2 If the court determines that imposing a curfew would endanger
3 the victim, the court may consider alternative sanctions.

4 2. If the victim was under the age of 18, a
5 prohibition on living within 1,000 feet of a school, day care
6 center, park, playground, school bus stop, or other place
7 where children regularly congregate.

8 3. Active participation in and successful completion
9 of a sex offender treatment program with therapists
10 specifically trained to treat sex offenders, at the releasee's
11 own expense. If a specially trained therapist is not available
12 within a 50-mile radius of the releasee's residence, the
13 offender shall participate in other appropriate therapy.

14 4. A prohibition on any contact with the victim,
15 directly or indirectly, including through a third person,
16 unless approved by the victim, the offender's therapist, and
17 the sentencing court.

18 5. If the victim was under the age of 18, a
19 prohibition, until successful completion of a sex offender
20 treatment program, on unsupervised contact with a child under
21 the age of 18, unless authorized by the commission without
22 another adult present who is responsible for the child's
23 welfare, has been advised of the crime, and is approved by the
24 commission.

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

29 7. Unless otherwise indicated in the treatment plan
30 provided by the sexual offender treatment program, a
31 prohibition on viewing, owning, or possessing any obscene,

1 pornographic, or sexually stimulating visual or auditory
2 material, including telephone, electronic media, computer
3 programs, or computer services that are relevant to the
4 offender's deviant behavior pattern.

5 8. A requirement that the releasee must submit two
6 specimens of blood to the Florida Department of Law
7 Enforcement to be registered with the DNA database.

8 9. A requirement that the releasee make restitution to
9 the victim, as determined by the sentencing court or the
10 commission, for all necessary medical and related professional
11 services relating to physical, psychiatric, and psychological
12 care.

13 10. Submission to a warrantless search by the
14 community control or probation officer of the probationer's or
15 community controllee's person, residence, or vehicle.

16 Section 2. A new section is added to chapter 794,
17 Florida Statutes to read:

18 794.xxx Unlawful place of residence for persons
19 convicted of certain sex offenses.--

20 (1) It is unlawful for any person who has been
21 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
22 s. 827.071, or s. 847.0145, regardless of whether adjudication
23 has been withheld, in which the victim of the offense was less
24 than 16 years of age, to reside within 1,000 feet of any
25 school, day care center, park, or playground. Any person
26 violating this section whose conviction for s. 794.011, s.
27 794.05, s.800.04, s. 827.071, or s. 847.0145, was classified
28 as a felony of the first degree or higher, commits a felony of
29 the third degree, punishable as provided in s. 775.082 and
30 775.083. Any person violating this section whose conviction
31 for s. 794.011, s. 794.05, s. 800.04, s. 827.071, or s.

1 847.0145, was classified as a felony of the second or third
2 degree commits a misdemeanor of the first degree punishable as
3 provided in s. 775.082 and 775.083.

4 (2) This section shall apply to any person convicted
5 of a violation of s. 794.011, s. 794.05, s. 800.04, s.
6 827.071, or s. 847.0145 for offenses which occur on or after
7 the October 1, 2001.

8 Section 3. A new section is added to chapter 794,
9 Florida Statutes to read:

10 794.xxx Unlawful place of residence for persons
11 convicted of certain sex offenses.--

12 (1) It is unlawful for any person who has been
13 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
14 s. 827.071, or s. 847.0145, regardless of whether adjudication
15 has been withheld, in which the victim of the offense was less
16 than 16 years of age, to reside within 1,000 feet of any
17 school, day care center, park, or playground. Any person
18 violating this section whose conviction for s. 794.011, s.
19 794.05, s.800.04, s. 827.071, or s. 847.0145, was classified
20 as a felony of the first degree or higher, commits a felony of
21 the third degree, punishable as provided in s. 775.082 and
22 775.083. Any person violating this section whose conviction
23 for s. 794.011, s. 794.05, s. 800.04, s. 827.071, or s.
24 847.0145, was classified as a felony of the second or third
25 degree commits a misdemeanor of the first degree punishable as
26 provided in s. 775.082 and 775.083.

27 (2) This section shall apply retroactively to any
28 person convicted of a violation of s. 794.011, s. 794.05, s.
29 800.04, s. 827.071, or s. 847.0145 regardless of when the
30 offense occurred.

31 Section 4. This act shall take effect July 1, 2001.