

1 A bill to be entitled
2 An act relating to offenses against children;
3 amending s. 787.025, F.S.; revising provisions
4 to prohibit certain previously convicted
5 offenders from intentionally luring or
6 enticing, or attempting to lure or entice, a
7 child under age 15 into a structure, dwelling,
8 or conveyance without consent of parent or
9 legal guardian, or from intentionally luring or
10 enticing, or attempting to lure or entice the
11 child away from the child's parent or legal
12 guardian; providing penalties; amending s.
13 800.04, F.S.; defining the term "presence";
14 amending s. 947.1405, F.S.; prohibiting sexual
15 offenders subject to conditional release
16 supervision from living within a specified
17 distance of certain places where children
18 congregate; creating ss. 794.07 and 794.0701,
19 F.S.; prohibiting persons convicted of certain
20 sex crimes from residing within 1,000 feet of a
21 school, day care center, park, or playground;
22 providing penalties; providing for application;
23 providing an effective date.

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

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27 Section 1. Subsection (2) and (3) of section 787.025,
28 Florida Statutes, are amended to read:

29 787.025 Luring or enticing a child.--
30 (2)~~(a)~~ A person over the age of 18 who, having been
31 previously convicted of a violation of chapter 794 or s.

1 800.04, or a violation of a similar law of another
2 jurisdiction, intentionally lures or entices, or attempts to
3 lure or entice, a child under the age of 15 ~~12~~ into a
4 structure, dwelling, or conveyance without the consent of the
5 child's parent or legal guardian, or who intentionally lures
6 or entices, or attempts to lure or entice, a child under the
7 age of 15 away from the child's parent or legal guardian
8 without the consent of the child's parent or legal guardian,
9 ~~for other than a lawful purpose~~ commits a felony of the third
10 degree, punishable as provided in s. 775.082, s. 775.083, or
11 s. 775.084.

12 ~~(b) For purposes of this section, the luring or~~
13 ~~enticing, or attempted luring or enticing, of a child under~~
14 ~~the age of 12 into a structure, dwelling, or conveyance~~
15 ~~without the consent of the child's parent or legal guardian~~
16 ~~shall be prima facie evidence of other than a lawful purpose.~~

17 (3) It is an affirmative defense to a prosecution
18 under this section that:

19 (a) The person reasonably believed that his or her
20 action was necessary to prevent the child from being seriously
21 injured.

22 ~~(b) The person lured or enticed, or attempted to lure~~
23 ~~or entice, the child under the age of 12 into a structure,~~
24 ~~dwelling, or conveyance for a lawful purpose.~~

25 ~~(b)(c)~~ The person's actions were reasonable under the
26 circumstances and the defendant did not have any intent to
27 harm the health, safety, or welfare of the child.

28 Section 2. Present paragraph (d) of subsection (1) of
29 section 800.04, Florida Statutes, is redesignated as paragraph
30 (e) and a new paragraph (d) is added to that section to read:

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1 800.04 Lewd or lascivious offenses committed upon or
2 in the presence of persons less than 16 years of age.--

3 (1) DEFINITIONS.--As used in this section:

4 (d) "Presence" means that the victim of an act in
5 violation of this section is physically present where and when
6 the act occurs. The term does not mean that the victim must
7 actually see or have sensory awareness of the act.

8 Section 3. Paragraph (a) of subsection (7) of section
9 947.1405, Florida Statutes, is amended to read:

10 947.1405 Conditional release program.--

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

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

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

29 3. Active participation in and successful completion
30 of a sex offender treatment program with therapists
31 specifically trained to treat sex offenders, at the releasee's

1 own expense. If a specially trained therapist is not available
2 within a 50-mile radius of the releasee's residence, the
3 offender shall participate in other appropriate therapy.

4 4. 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 5. 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, unless authorized by the commission without
12 another adult present who is responsible for the child's
13 welfare, has been advised of the crime, and is approved by the
14 commission.

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

19 7. Unless otherwise indicated in the treatment plan
20 provided by the sexual offender treatment program, a
21 prohibition on viewing, owning, or possessing any obscene,
22 pornographic, or sexually stimulating visual or auditory
23 material, including telephone, electronic media, computer
24 programs, or computer services that are relevant to the
25 offender's deviant behavior pattern.

26 8. A requirement that the releasee must submit two
27 specimens of blood to the Florida Department of Law
28 Enforcement to be registered with the DNA database.

29 9. A requirement that the releasee make restitution to
30 the victim, as determined by the sentencing court or the
31 commission, for all necessary medical and related professional

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

3 10. 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 4. Section 794.07, Florida Statutes, is
7 created to read:

8 794.07 Unlawful place of residence for persons
9 convicted of certain sex offenses.--

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

25 (2) This section shall apply to any person convicted
26 of a violation of s. 794.011, s. 794.05, s. 800.04, s.
27 827.071, or s. 847.0145 for offenses which occur on or after
28 October 1, 2001.

29 Section 5. Section 794.0701, Florida Statutes, is
30 created to read:

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1 794.0701 Unlawful place of residence for persons
2 convicted of certain sex offenses.--

3 (1) It is unlawful for any person who has been
4 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
5 s. 827.071, or s. 847.0145, regardless of whether adjudication
6 has been withheld, in which the victim of the offense was less
7 than 16 years of age, to reside within 1,000 feet of any
8 school, day care center, park, or playground. Any person
9 violating this section whose conviction for s. 794.011, s.
10 794.05, s.800.04, s. 827.071, or s. 847.0145, was classified
11 as a felony of the first degree or higher, commits a felony of
12 the third degree, punishable as provided in s. 775.082 and
13 775.083. Any person violating this section whose conviction
14 for s. 794.011, s. 794.05, s. 800.04, s. 827.071, or s.
15 847.0145, was classified as a felony of the second or third
16 degree commits a misdemeanor of the first degree punishable as
17 provided in s. 775.082 and 775.083.

18 (2) This section shall apply retroactively to any
19 person convicted of a violation of s. 794.011, s. 794.05, s.
20 800.04, s. 827.071, or s. 847.0145 regardless of when the
21 offense occurred.

22 Section 6. This act shall take effect July 1, 2001.
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