

By the Committee on Criminal Justice; and Senator Smith

307-2083-02

1                                   A bill to be entitled  
2           An act relating to sexual offenders; amending  
3           s. 947.1405, F.S.; prohibiting certain sexual  
4           offenders subject to conditional release  
5           supervision from living within a specified  
6           distance of certain places where children  
7           congregate; creating s. 794.065, F.S.;  
8           prohibiting persons convicted of certain sex  
9           crimes from residing within a specified  
10          distance of a school, day care center, park, or  
11          playground; providing an effective date.

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

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15           Section 1. Paragraph (a) of subsection (7) of section  
16 947.1405, Florida Statutes, is amended to read:

17           947.1405 Conditional release program.--

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

26           1. A mandatory curfew from 10 p.m. to 6 a.m. The  
27 commission may designate another 8-hour period if the  
28 offender's employment precludes the above specified time, and  
29 such alternative is recommended by the Department of  
30 Corrections. If the commission determines that imposing a

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1 curfew would endanger the victim, the commission may consider  
2 alternative sanctions.

3           2. If the victim was under the age of 18, a  
4 prohibition on living within 1,000 feet of a school, day care  
5 center, park, playground, school bus stop, or other place  
6 where children regularly congregate. Any state-funded facility  
7 or program that provides housing for a person who is in  
8 violation of this subparagraph shall lose its state funding  
9 for the remainder of the fiscal year.

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

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

20           5. If the victim was under the age of 18, a  
21 prohibition against direct contact or association with  
22 children under the age of 18 until all of the following  
23 conditions are met:

24           a. Successful completion of a sex offender treatment  
25 program.

26           b. The adult person who is legally responsible for the  
27 welfare of the child has been advised of the nature of the  
28 crime.

29           c. Such adult person is present during all contact or  
30 association with the child.

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1           d. Such adult person has been approved by the  
2 commission.

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

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

14           8. A requirement that the releasee must submit two  
15 specimens of blood to the Florida Department of Law  
16 Enforcement to be registered with the DNA database.

17           9. A requirement that the releasee make restitution to  
18 the victim, as determined by the sentencing court or the  
19 commission, for all necessary medical and related professional  
20 services relating to physical, psychiatric, and psychological  
21 care.

22           10. Submission to a warrantless search by the  
23 community control or probation officer of the probationer's or  
24 community controllee's person, residence, or vehicle.

25           Section 2. Section 794.065, Florida Statutes, is  
26 created to read:

27           794.065 Unlawful place of residence for persons  
28 convicted of certain sex offenses.--

29           (1) It is unlawful for any person who has been  
30 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,  
31 s. 827.071, or s. 847.0145, regardless of whether adjudication

1 has been withheld, in which the victim of the offense was less  
2 than 16 years of age, to reside within 1,000 feet of any  
3 school, day care center, park, or playground. A person who  
4 violates this section and whose conviction for s. 794.011, s.  
5 794.05, s. 800.04, s. 827.071, or s. 847.0145 was classified  
6 as a felony of the first degree or higher commits a felony of  
7 the third degree, punishable as provided in s. 775.082 or s.  
8 775.083. A person who violates this section and whose  
9 conviction for s. 794.011, s. 794.05, s. 800.04, s. 827.071,  
10 or s. 847.0145 was classified as a felony of the second or  
11 third degree commits a misdemeanor of the first degree,  
12 punishable as provided in s. 775.082 or s. 775.083.

13 (2) This section shall apply to any person convicted  
14 of a violation of s. 794.011, s. 794.05, s. 800.04, s.  
15 827.071, or s. 847.0145 for offenses that occur on or after  
16 October 1, 2002.

17 (3) Any state-funded facility or program that provides  
18 housing for a person who is in violation of this section shall  
19 lose its state funding for the remainder of the fiscal year.

20 Section 3. This act shall take effect upon becoming a  
21 law.

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23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
24 COMMITTEE SUBSTITUTE FOR  
25 Senate Bill 174

- 26 - Creates s. 794.065, F.S., prohibiting persons convicted  
27 for committing certain sex offenses after October 1,  
28 2002, from living within 1000 feet of a school, day care  
29 center, park, or playground if their victim was under 16  
30 years old. Violation of the prohibition would be a third  
31 degree misdemeanor or a third degree felony, depending  
upon the classification of the qualifying offense.
- Provides that a state funded facility or program lose  
its funding for the remainder of the fiscal year if it  
provides housing for a person who is in violation of s.  
947.1405(7)(a)2., F.S., or s. 794.065, F.S.