

1 A bill to be entitled
2 An act relating to sexual offenders; amending
3 s. 234.02(12)(c), F.S.; requiring school bus
4 stop location information; amending s.
5 947.1405, F.S.; prohibiting certain sexual
6 offenders subject to conditional release
7 supervision from living within a specified
8 distance of certain places where children
9 congregate; creating s. 794.065, F.S.;
10 prohibiting persons convicted of certain sex
11 crimes from residing within 1,000 feet of a
12 school, day care center, park, or playground;
13 providing an effective date.

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

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17 Section 1. Paragraph (c) of subsection (12) of section
18 234.02, Florida Statutes, is amended to read:

19 234.02 Safety and health of pupils.--Maximum regard
20 for safety and adequate protection of health are primary
21 requirements that must be observed by school boards in routing
22 buses, appointing drivers, and providing and operating
23 equipment, in accordance with all requirements of law and
24 regulations of the commissioner in providing transportation
25 pursuant to s. 234.01:

26 (a) The routing and scheduling of school buses must be
27 planned to eliminate the necessity for children to stand while
28 a school bus is in motion. When circumstances of an emergency
29 nature temporarily require transporting children on school
30 buses in excess of the rated seating capacity, the buses must
31 proceed at a reduced rate of speed to maximize safety of the

1 students, taking into account existing traffic conditions.
2 Each school board is responsible for prompt relief of the
3 emergency condition by providing additional equipment, bus
4 rerouting, bus rescheduling, or other appropriate remedial
5 action.

6 (b) Each school board, after considering
7 recommendations from the superintendent, shall designate, by
8 map or otherwise, or shall provide by school board rule for
9 the designation of, nontransportation zones that are composed
10 of all areas in the district from which it is unnecessary or
11 impracticable to furnish transportation. Nontransportation
12 zones must be designated annually before the opening of school
13 and the designation of bus routes for the succeeding school
14 year. Each school board, after considering recommendations
15 from the superintendent, shall specifically designate, or
16 shall provide by school board rule for the designation of,
17 specific routes to be traveled regularly by school buses, and
18 each route must meet the requirements prescribed by rules of
19 the commissioner.

20 (c) Each district school board shall establish school
21 bus stops, or provide by school board rule for the
22 establishment of school bus stops, as necessary at the most
23 reasonably safe locations available. Each district school
24 board shall provide to the Department of Corrections the
25 location of such school bus stops. Where unusual traffic
26 hazards exist at school bus stops on roads maintained by the
27 state outside of municipalities, the Department of
28 Transportation, in concurrence and cooperation with and upon
29 request of the district school board, shall place signs at
30 such bus stops warning motorists of the location of the stops.
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1 Section 2. Paragraph (a) of subsection (7) of section
2 947.1405, Florida Statutes, is amended to read:

3 947.1405 Conditional release program.--

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

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

19 2. If the victim was under the age of 18, a
20 prohibition on living within 1,000 feet of a school, day care
21 center, park, playground, designated public school bus stop,
22 or other place where children regularly congregate. In the
23 event a school, day care center, park, playground, or
24 designated public school bus stop is established or relocated
25 at a distance less than 1,000 feet from the residence of a
26 releasee, the department shall immediately notify such
27 releasee and he or she must relocate his or her residence
28 within 120 days from the date of the notice.

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 against direct contact or association with
10 children under the age of 18 until all of the following
11 conditions are met:

12 a. Successful completion of a sex offender treatment
13 program.

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

17 c. Such adult person is present during all contact or
18 association with the child.

19 d. Such adult person has been approved by the
20 commission.

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

25 7. Unless otherwise indicated in the treatment plan
26 provided by the sexual offender treatment program, a
27 prohibition on viewing, owning, or possessing any obscene,
28 pornographic, or sexually stimulating visual or auditory
29 material, including telephone, electronic media, computer
30 programs, or computer services that are relevant to the
31 offender's deviant behavior pattern.

1 8. A requirement that the releasee must submit two
2 specimens of blood to the Florida Department of Law
3 Enforcement to be registered with the DNA database.

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

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

12 Section 3. Section 794.065, Florida Statutes, is
13 created to read:

14 794.065 Unlawful place of residence for persons
15 convicted of certain sex offenses.--

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

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1 (2) This section shall apply to any person convicted
2 of a violation of s. 794.011, s. 794.05, s. 800.04, s.
3 827.071, or s. 847.0145 for offenses that occur on or after
4 October 1, 2002.

5 Section 4. This act shall take effect October 1, 2002.
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