

By Senator Fasano

11-662A-03

See HB 37

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; providing requirements for bus
 8 stops; creating s. 794.065, F.S.; prohibiting
 9 persons convicted of certain sex crimes from
 10 residing within 1,000 feet of a school, day
 11 care center, park, or playground; amending s.
 12 1006.22, F.S.; requiring district school boards
 13 to notify the Department of Corrections
 14 regarding school bus stop locations; providing
 15 an effective date.

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

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 19 Section 1. Paragraph (a) of subsection (7) of section
 20 947.1405, Florida Statutes, is amended to read:

21 947.1405 Conditional release program.--

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

30 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 31 commission may designate another 8-hour period if the

1 offender's employment precludes the above specified time, and
2 such alternative is recommended by the Department of
3 Corrections. If the commission determines that imposing a
4 curfew would endanger the victim, the commission may consider
5 alternative sanctions.

6 2. If the victim was under the age of 18, a
7 prohibition on living within 1,000 feet of a school, day care
8 center, park, playground, designated public school bus stop,
9 or other place where children regularly congregate. A releasee
10 who is subject to the provisions of this subparagraph may not
11 relocate to a residence that is within 1,000 feet of a public
12 school bus stop. Beginning October 1, 2003, neither the
13 commission nor the department shall approve a residence that
14 is located within 1,000 feet of a school, day care center,
15 park, playground, designated school bus stop, or other place
16 where children regularly congregate for any releasee who is
17 subject to the provisions of this subparagraph. If, on October
18 1, 2003, any public school bus stop is located within 1,000
19 feet of the existing residence of such releasee, the district
20 school board shall relocate such school bus stop. Beginning
21 October 1, 2003, a district school board shall not establish
22 or relocate a public school bus stop within 1,000 feet of the
23 existing residence of a releasee who is subject to the
24 provisions of this subparagraph. The failure of the district
25 school board to comply with the provisions of this
26 subparagraph shall not result in a violation of conditional
27 release supervision.

28 3. Active participation in and successful completion
29 of a sex offender treatment program with therapists
30 specifically trained to treat sex offenders, at the releasee's
31 own expense. If a specially trained therapist is not available

1 within a 50-mile radius of the releasee's residence, the
2 offender shall participate in other appropriate therapy.

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

7 5. If the victim was under the age of 18, a
8 prohibition against direct contact or association with
9 children under the age of 18 until all of the following
10 conditions are met:

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

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

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

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

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

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

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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 2. 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, 2003.

5 Section 3. Paragraph (c) of subsection (12) of section
6 1006.22, Florida Statutes, is amended to read:

7 1006.22 Safety and health of students being
8 transported.--Maximum regard for safety and adequate
9 protection of health are primary requirements that must be
10 observed by district school boards in routing buses,
11 appointing drivers, and providing and operating equipment, in
12 accordance with all requirements of law and rules of the State
13 Board of Education in providing transportation pursuant to s.
14 1006.21:

15 (12)

16 (c) Each district school board shall establish school
17 bus stops, or provide by district school board rule for the
18 establishment of school bus stops, as necessary at the most
19 reasonably safe locations available. Each district school
20 board shall provide to the Department of Corrections the
21 location of such school bus stops.Where unusual traffic
22 hazards exist at school bus stops on roads maintained by the
23 state outside of municipalities, the Department of
24 Transportation, in concurrence and cooperation with and upon
25 request of the district school board, shall place signs at
26 such bus stops warning motorists of the location of the stops.

27 Section 4. This act shall take effect October 1, 2003.
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