

Bill No. CS for CS for SB 2172

Amendment No. ____ Barcode 840310

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/29/2003 11:06 AM	.	
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11	Senator Fasano moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 3, between lines 14-15,		
15			
16	insert:		
17	Section 2. Paragraph (a) of subsection (7) of section		
18	947.1405, Florida Statutes, is amended to read:		
19	947.1405 Conditional release program.--		
20	(7)(a) Any inmate who is convicted of a crime		
21	committed on or after October 1, 1995, or who has been		
22	previously convicted of a crime committed on or after October		
23	1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,		
24	or s. 847.0145, and is subject to conditional release		
25	supervision, shall have, in addition to any other conditions		
26	imposed, the following special conditions imposed by the		
27	commission:		
28	1. A mandatory curfew from 10 p.m. to 6 a.m. The		
29	commission may designate another 8-hour period if the		
30	offender's employment precludes the above specified time, and		
31	such alternative is recommended by the Department of		

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

26 3. Active participation in and successful completion
27 of a sex offender treatment program with therapists
28 specifically trained to treat sex offenders, at the releasee's
29 own expense. If a specially trained therapist is not available
30 within a 50-mile radius of the releasee's residence, the
31 offender shall participate in other appropriate therapy.

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

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

9 a. Successful completion of a sex offender treatment
10 program.

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

14 c. Such adult person is present during all contact or
15 association with the child.

16 d. Such adult person has been approved by the
17 commission.

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

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

29 8. A requirement that the releasee must submit two
30 specimens of blood to the Florida Department of Law
31 Enforcement to be registered with the DNA database.

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

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

9 Section 3. Section 794.065, Florida Statutes, is
10 created to read:

11 794.065 Unlawful place of residence for persons
12 convicted of certain sex offenses.--

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

28 (2) This section shall apply to any person convicted
29 of a violation of s. 794.011, s. 800.04, s. 827.071, or s.
30 847.0145 for offenses that occur on or after October 1, 2003.

31 Section 4. Paragraph (c) of subsection (12) of section

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1 1006.22, Florida Statutes, is amended to read:

2 1006.22 Safety and health of students being
3 transported.--Maximum regard for safety and adequate
4 protection of health are primary requirements that must be
5 observed by district school boards in routing buses,
6 appointing drivers, and providing and operating equipment, in
7 accordance with all requirements of law and rules of the State
8 Board of Education in providing transportation pursuant to s.
9 1006.21:

10 (12)

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

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23 (Redesignate subsequent sections.)

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 6, after the semicolon,

29

30 insert:

31 amending s. 947.1405, F.S.; prohibiting certain

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1 sexual offenders subject to conditional release
2 supervision from living within a specified
3 distance of certain places where children
4 congregate; providing requirements for bus
5 stops; creating s. 794.065, F.S.; prohibiting
6 persons convicted of certain sex crimes from
7 residing within 1,000 feet of a school, day
8 care center, park, or playground; amending s.
9 1006.22, F.S.; requiring district school boards
10 to notify the Department of Corrections
11 regarding school bus stop locations;

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