



HB 0037

2003  
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CHAMBER ACTION

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The Committee on Public Safety and Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; prohibiting district school boards from establishing school bus stops within 1,000 feet of the existing residence of persons prohibited from living within 1,000 feet of a school bus stop; providing that failure of the district to comply with such provision shall not result in a violation by the resident; creating s. 794.065, F.S.; prohibiting persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground; amending s. 1006.22, F.S.; requiring district school boards to notify the Department of Corrections regarding school bus stop locations; providing an effective date.



HB 0037

2003  
CS

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

30

31 Section 1. Paragraph (a) of subsection (7) of section  
32 947.1405, Florida Statutes, is amended to read:

33 947.1405 Conditional release program.--

34 (7)(a) Any inmate who is convicted of a crime committed on  
35 or after October 1, 1995, or who has been previously convicted  
36 of a crime committed on or after October 1, 1995, in violation  
37 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is  
38 subject to conditional release supervision, shall have, in  
39 addition to any other conditions imposed, the following special  
40 conditions imposed by the commission:

41 1. A mandatory curfew from 10 p.m. to 6 a.m. The  
42 commission may designate another 8-hour period if the offender's  
43 employment precludes the above specified time, and such  
44 alternative is recommended by the Department of Corrections. If  
45 the commission determines that imposing a curfew would endanger  
46 the victim, the commission may consider alternative sanctions.

47 2. If the victim was under the age of 18, a prohibition on  
48 living within 1,000 feet of a school, day care center, park,  
49 playground, designated public school bus stop, or other place  
50 where children regularly congregate. A releasee who is subject  
51 to the provisions of this subparagraph may not relocate to a  
52 residence that is within 1,000 feet of a public school bus stop.  
53 Beginning October 1, 2003, neither the commission nor the  
54 department shall approve a residence that is located within  
55 1,000 feet of a school, day care center, park, playground,  
56 designated school bus stop, or other place where children



HB 0037

2003  
CS

57 | regularly congregate for any releasee who is subject to the  
58 | provisions of this subparagraph. If, on October 1, 2003, any  
59 | public school bus stop is located within 1,000 feet of the  
60 | existing residence of such releasee, the district school board  
61 | shall relocate such school bus stop. Beginning October 1, 2003,  
62 | a district school board shall not establish or relocate a public  
63 | school bus stop within 1,000 feet of the existing residence of a  
64 | releasee who is subject to the provisions of this subparagraph.  
65 | The failure of the district school board to comply with the  
66 | provisions of this subparagraph shall not result in a violation  
67 | of conditional release supervision.

68 |       3. Active participation in and successful completion of a  
69 | sex offender treatment program with therapists specifically  
70 | trained to treat sex offenders, at the releasee's own expense.  
71 | If a specially trained therapist is not available within a 50-  
72 | mile radius of the releasee's residence, the offender shall  
73 | participate in other appropriate therapy.

74 |       4. A prohibition on any contact with the victim, directly  
75 | or indirectly, including through a third person, unless approved  
76 | by the victim, the offender's therapist, and the sentencing  
77 | court.

78 |       5. If the victim was under the age of 18, a prohibition  
79 | against direct contact or association with children under the  
80 | age of 18 until all of the following conditions are met:

81 |       a. Successful completion of a sex offender treatment  
82 | program.



HB 0037

2003  
CS

83 |           b. The adult person who is legally responsible for the  
84 | welfare of the child has been advised of the nature of the  
85 | crime.

86 |           c. Such adult person is present during all contact or  
87 | association with the child.

88 |           d. Such adult person has been approved by the commission.

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

93 |           7. Unless otherwise indicated in the treatment plan  
94 | provided by the sexual offender treatment program, a prohibition  
95 | on viewing, owning, or possessing any obscene, pornographic, or  
96 | sexually stimulating visual or auditory material, including  
97 | telephone, electronic media, computer programs, or computer  
98 | services that are relevant to the offender's deviant behavior  
99 | pattern.

100 |           8. A requirement that the releasee must submit two  
101 | specimens of blood to the Florida Department of Law Enforcement  
102 | to be registered with the DNA database.

103 |           9. A requirement that the releasee make restitution to the  
104 | victim, as determined by the sentencing court or the commission,  
105 | for all necessary medical and related professional services  
106 | relating to physical, psychiatric, and psychological care.

107 |           10. Submission to a warrantless search by the community  
108 | control or probation officer of the probationer's or community  
109 | controllee's person, residence, or vehicle.



HB 0037

2003  
CS

110 Section 2. Section 794.065, Florida Statutes, is created  
111 to read:

112 794.065 Unlawful place of residence for persons convicted  
113 of certain sex offenses.--

114 (1) It is unlawful for any person who has been convicted  
115 of a violation of s. 794.011, s. 794.05, s. 800.04, s. 827.071,  
116 or s. 847.0145, regardless of whether adjudication has been  
117 withheld, in which the victim of the offense was less than 16  
118 years of age, to reside within 1,000 feet of any school, day  
119 care center, park, or playground. A person who violates this  
120 section and whose conviction for s. 794.011, s. 794.05, s.  
121 800.04, s. 827.071, or s. 847.0145 was classified as a felony of  
122 the first degree or higher commits a felony of the third degree,  
123 punishable as provided in s. 775.082 or s. 775.083. A person  
124 who violates this section and whose conviction for s. 794.011,  
125 s. 794.05, s. 800.04, s. 827.071, or s. 847.0145 was classified  
126 as a felony of the second or third degree commits a misdemeanor  
127 of the first degree, punishable as provided in s. 775.082 or s.  
128 775.083.

129 (2) This section shall apply to any person convicted of a  
130 violation of s. 794.011, s. 794.05, s. 800.04, s. 827.071, or s.  
131 847.0145 for offenses that occur on or after October 1, 2003.

132 Section 3. Paragraph (c) of subsection (12) of section  
133 1006.22, Florida Statutes, is amended to read:

134 1006.22 Safety and health of students being  
135 transported.--Maximum regard for safety and adequate protection  
136 of health are primary requirements that must be observed by  
137 district school boards in routing buses, appointing drivers, and



HB 0037

2003  
CS

138 providing and operating equipment, in accordance with all  
139 requirements of law and rules of the State Board of Education in  
140 providing transportation pursuant to s. 1006.21:

141 (12)

142 (c) Each district school board shall establish school bus  
143 stops, or provide by district school board rule for the  
144 establishment of school bus stops, as necessary at the most  
145 reasonably safe locations available. Each district school board  
146 shall provide to the Department of Corrections the location of  
147 such school bus stops. Where unusual traffic hazards exist at  
148 school bus stops on roads maintained by the state outside of  
149 municipalities, the Department of Transportation, in concurrence  
150 and cooperation with and upon request of the district school  
151 board, shall place signs at such bus stops warning motorists of  
152 the location of the stops.

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