

By Senator Fasano

11-126-04

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; prohibiting the Parole Commission
8 and the Department of Corrections from
9 approving a residence for a releasee which is
10 located within a specified distance of certain
11 places where children congregate; prohibiting
12 district school boards from establishing school
13 bus stops within 1,000 feet of the residence of
14 persons prohibited from living within 1,000
15 feet of a school bus stop; providing that
16 failure of the district to comply with such
17 provision is not a violation by the resident;
18 creating s. 794.065, F.S.; prohibiting persons
19 convicted of certain sex crimes from residing
20 within 1,000 feet of a school, day care center,
21 park, or playground; amending s. 1006.22, F.S.;
22 requiring district school boards to notify the
23 Department of Corrections regarding school bus
24 stop locations; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (a) of subsection (7) of section
29 947.1405, Florida Statutes, is amended to read:
30 947.1405 Conditional release program.--

31

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

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

16 2. If the victim was under the age of 18, a
17 prohibition on living within 1,000 feet of a school, day care
18 center, park, playground, designated public school bus stop,
19 or other place where children regularly congregate. A releasee
20 who is subject to this subparagraph may not relocate to a
21 residence that is within 1,000 feet of a public school bus
22 stop. Beginning October 1, 2004, the commission or the
23 department may not approve a residence that is located within
24 1,000 feet of a school, day care center, park, playground,
25 designated school bus stop, or other place where children
26 regularly congregate for any releasee who is subject to this
27 subparagraph. If, on October 1, 2004, any public school bus
28 stop is located within 1,000 feet of the existing residence of
29 such releasee, the district school board shall relocate that
30 school bus stop. Beginning October 1, 2004, a district school
31 board may not establish or relocate a public school bus stop

1 within 1,000 feet of the residence of a releasee who is
2 subject to this subparagraph. The failure of the district
3 school board to comply with this subparagraph shall not result
4 in a violation of conditional release supervision.

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

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

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

19 a. Successful completion of a sex offender treatment
20 program.

21 b. The adult person who is legally responsible for the
22 welfare of the child has been advised of the nature of the
23 crime.

24 c. Such adult person is present during all contact or
25 association with the child.

26 d. Such adult person has been approved by the
27 commission.

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

1 7. Unless otherwise indicated in the treatment plan
2 provided by the sexual offender treatment program, a
3 prohibition on viewing, owning, or possessing any obscene,
4 pornographic, or sexually stimulating visual or auditory
5 material, including telephone, electronic media, computer
6 programs, or computer services that are relevant to the
7 offender's deviant behavior pattern.

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

11 9. A requirement that the releasee make restitution to
12 the victim, as determined by the sentencing court or the
13 commission, for all necessary medical and related professional
14 services relating to physical, psychiatric, and psychological
15 care.

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

19 Section 2. Section 794.065, Florida Statutes, is
20 created to read:

21 794.065 Unlawful place of residence for persons
22 convicted of certain sex offenses.--

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

1 punishable as provided in s. 775.082 or s. 775.083. A person
2 who violates this section and whose conviction under s.
3 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified
4 as a felony of the second or third degree commits a
5 misdemeanor of the first degree, punishable as provided in s.
6 775.082 or s. 775.083.

7 (2) This section applies to any person convicted of a
8 violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145
9 for offenses that occur on or after October 1, 2004.

10 Section 3. Paragraph (c) of subsection (12) of section
11 1006.22, Florida Statutes, is amended to read:

12 1006.22 Safety and health of students being
13 transported.--Maximum regard for safety and adequate
14 protection of health are primary requirements that must be
15 observed by district school boards in routing buses,
16 appointing drivers, and providing and operating equipment, in
17 accordance with all requirements of law and rules of the State
18 Board of Education in providing transportation pursuant to s.
19 1006.21:

20 (12)

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

