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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; requiring the  
12 Department of Corrections to notify each school  
13 district within a specified time period of the  
14 location of the residence of a sexual offender  
15 who is subject to conditional release  
16 supervision; prohibiting district school boards  
17 from establishing school bus stops within 1,000  
18 feet of the residence of persons prohibited  
19 from living within 1,000 feet of a school bus  
20 stop; providing that failure of the district to  
21 comply with such provision is not a violation  
22 by the resident; creating s. 794.065, F.S.;  
23 prohibiting persons convicted of certain sex  
24 crimes from residing within 1,000 feet of a  
25 school, day care center, park, or playground;  
26 providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraph (a) of subsection (7) of section  
31 947.1405, Florida Statutes, is amended to read:

1 947.1405 Conditional release program.--

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

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

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

1 affected school district of the residence of the releasee  
2 within 30 days after relocation. If, on October 1, 2004, any  
3 public school bus stop is located within 1,000 feet of the  
4 existing residence of such releasee, the district school board  
5 shall relocate that school bus stop. Beginning October 1,  
6 2004, a district school board may not establish or relocate a  
7 public school bus stop within 1,000 feet of the residence of a  
8 releasee who is subject to this subparagraph. The failure of  
9 the district school board to comply with this subparagraph  
10 shall not result in a violation of conditional release  
11 supervision.

12           3. Active participation in and successful completion  
13 of a sex offender treatment program with therapists  
14 specifically trained to treat sex offenders, at the releasee's  
15 own expense. If a specially trained therapist is not available  
16 within a 50-mile radius of the releasee's residence, the  
17 offender shall participate in other appropriate therapy.

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

22           5. If the victim was under the age of 18, a  
23 prohibition against direct contact or association with  
24 children under the age of 18 until all of the following  
25 conditions are met:

26           a. Successful completion of a sex offender treatment  
27 program.

28           b. The adult person who is legally responsible for the  
29 welfare of the child has been advised of the nature of the  
30 crime.

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1           c. Such adult person is present during all contact or  
2 association with the child.

3           d. Such adult person has been approved by the  
4 commission.

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

9           7. Unless otherwise indicated in the treatment plan  
10 provided by the sexual offender treatment program, a  
11 prohibition on viewing, owning, or possessing any obscene,  
12 pornographic, or sexually stimulating visual or auditory  
13 material, including telephone, electronic media, computer  
14 programs, or computer services that are relevant to the  
15 offender's deviant behavior pattern.

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

19           9. A requirement that the releasee make restitution to  
20 the victim, as determined by the sentencing court or the  
21 commission, for all necessary medical and related professional  
22 services relating to physical, psychiatric, and psychological  
23 care.

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

27           Section 2. Section 794.065, Florida Statutes, is  
28 created to read:

29           794.065 Unlawful place of residence for persons  
30 convicted of certain sex offenses.--

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1           (1) It is unlawful for any person who has been  
2 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
3 or s. 847.0145, regardless of whether adjudication has been  
4 withheld, in which the victim of the offense was less than 16  
5 years of age, to reside within 1,000 feet of any school, day  
6 care center, park, or playground. A person who violates this  
7 section and whose conviction under s. 794.011, s. 800.04, s.  
8 827.071, or s. 847.0145 was classified as a felony of the  
9 first degree or higher commits a felony of the third degree,  
10 punishable as provided in s. 775.082 or s. 775.083. A person  
11 who violates this section and whose conviction under s.  
12 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified  
13 as a felony of the second or third degree commits a  
14 misdemeanor of the first degree, punishable as provided in s.  
15 775.082 or s. 775.083.

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

19           Section 3. This act shall take effect October 1, 2004.  
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