

By Senator Lynn

7-194-04

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

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

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24 Section 1. Paragraph (a) of subsection (7) of section
25 947.1405, Florida Statutes, is amended to read:

26 947.1405 Conditional release program.--

27 (7)(a) Any inmate who is convicted of a crime
28 committed on or after October 1, 1995, or who has been
29 previously convicted of a crime committed on or after October
30 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
31 or s. 847.0145, and is subject to conditional release

1 supervision, shall have, in addition to any other conditions
2 imposed, the following special conditions imposed by the
3 commission:

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

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

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

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

11 5. If the victim was under the age of 18, a
12 prohibition against direct contact or association with
13 children under the age of 18 until all of the following
14 conditions are met:

15 a. Successful completion of a sex offender treatment
16 program.

17 b. The adult person who is legally responsible for the
18 welfare of the child has been advised of the nature of the
19 crime.

20 c. Such adult person is present during all contact or
21 association with the child.

22 d. Such adult person has been approved by the
23 commission.

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

28 7. Unless otherwise indicated in the treatment plan
29 provided by the sexual offender treatment program, a
30 prohibition on viewing, owning, or possessing any obscene,
31 pornographic, or sexually stimulating visual or auditory

1 material, including telephone, electronic media, computer
2 programs, or computer services that are relevant to the
3 offender's deviant behavior pattern.

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

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

12 10. Submission to a warrantless search by the
13 community control or probation officer of the probationer's or
14 community controllee's person, residence, or vehicle.

15 Section 2. Section 794.065, Florida Statutes, is
16 created to read:

17 794.065 Unlawful place of residence for persons
18 convicted of certain sex offenses.--

19 (1) It is unlawful for any person who has been
20 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
21 s. 827.071, or s. 847.0145, regardless of whether adjudication
22 has been withheld, in which the victim of the offense was less
23 than 16 years of age, to reside within 1,000 feet of any
24 school, day care center, park, or playground. A person who
25 violates this section and whose conviction under s. 794.011,
26 s. 794.05, s. 800.04, s. 827.071, or s. 847.0145 was
27 classified as a felony of the first degree or higher commits a
28 felony of the third degree, punishable as provided in s.
29 775.082 or s. 775.083. A person who violates this section and
30 whose conviction under s. 794.011, s. 794.05, s. 800.04, s.
31 827.071, or s. 847.0145 was classified as a felony of the

1 second or third degree commits a misdemeanor of the first
2 degree, punishable as provided in s. 775.082 or s. 775.083.

3 (2) This section applies to any person convicted of a
4 violation of s. 794.011, s. 794.05, s. 800.04, s. 827.071, or
5 s. 847.0145 for offenses that occur on or after October 1,
6 2004.

7 Section 3. Paragraph (c) of subsection (12) of section
8 1006.22, Florida Statutes, is amended to read:

9 1006.22 Safety and health of students being
10 transported.--Maximum regard for safety and adequate
11 protection of health are primary requirements that must be
12 observed by district school boards in routing buses,
13 appointing drivers, and providing and operating equipment, in
14 accordance with all requirements of law and rules of the State
15 Board of Education in providing transportation pursuant to s.
16 1006.21:

17 (12)

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

29 Section 4. This act shall take effect October 1, 2004.
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SENATE SUMMARY

Prohibits certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate. Provides requirements for bus stops. Prohibits persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground. Requires district school boards to notify the Department of Corrections of the location of school bus stops.