

HB 0087

2004

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.

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

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

947.1405 Conditional release program.--

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

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

37 2. If the victim was under the age of 18, a prohibition on
38 living within 1,000 feet of a school, day care center, park,
39 playground, designated public school bus stop, or other place
40 where children regularly congregate. A releasee who is subject
41 to the provisions of this subparagraph may not relocate to a
42 residence that is within 1,000 feet of a public school bus stop.
43 Beginning October 1, 2004, neither the commission nor the
44 department shall approve a residence that is located within
45 1,000 feet of a school, day care center, park, playground,
46 designated school bus stop, or other place where children
47 regularly congregate for any releasee who is subject to the
48 provisions of this subparagraph. If, on October 1, 2004, any
49 public school bus stop is located within 1,000 feet of the
50 existing residence of such releasee, the district school board
51 shall relocate such school bus stop. Beginning October 1, 2004,
52 a district school board shall not establish or relocate a public
53 school bus stop within 1,000 feet of the existing residence of a
54 releasee who is subject to the provisions of this subparagraph.
55 The failure of the district school board to comply with the
56 provisions of this subparagraph shall not result in a violation
57 of conditional release supervision.

58 3. Active participation in and successful completion of a
59 sex offender treatment program with therapists specifically
60 trained to treat sex offenders, at the releasee's own expense.

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61 If a specially trained therapist is not available within a 50-
 62 mile radius of the releasee's residence, the offender shall
 63 participate in other appropriate therapy.

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

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

71 a. Successful completion of a sex offender treatment
 72 program.

73 b. The adult person who is legally responsible for the
 74 welfare of the child has been advised of the nature of the
 75 crime.

76 c. Such adult person is present during all contact or
 77 association with the child.

78 d. Such adult person has been approved by the commission.

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

83 7. Unless otherwise indicated in the treatment plan
 84 provided by the sexual offender treatment program, a prohibition
 85 on viewing, owning, or possessing any obscene, pornographic, or
 86 sexually stimulating visual or auditory material, including
 87 telephone, electronic media, computer programs, or computer
 88 services that are relevant to the offender's deviant behavior
 89 pattern.

90 8. A requirement that the releasee must submit two

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91 specimens of blood to the Florida Department of Law Enforcement
 92 to be registered with the DNA database.

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

97 10. Submission to a warrantless search by the community
 98 control or probation officer of the probationer's or community
 99 controllee's person, residence, or vehicle.

100 Section 2. Section 794.065, Florida Statutes, is created
 101 to read:

102 794.065 Unlawful place of residence for persons convicted
 103 of certain sex offenses.--

104 (1) It is unlawful for any person who has been convicted
 105 of a violation of s. 794.011, s. 800.04, s. 827.071, or s.
 106 847.0145, regardless of whether adjudication has been withheld,
 107 in which the victim of the offense was less than 16 years of
 108 age, to reside within 1,000 feet of any school, day care center,
 109 park, or playground. A person who violates this section and
 110 whose conviction for s. 794.011, s. 800.04, s. 827.071, or s.
 111 847.0145 was classified as a felony of the first degree or
 112 higher commits a felony of the third degree, punishable as
 113 provided in s. 775.082 or s. 775.083. A person who violates this
 114 section and whose conviction for s. 794.011, s. 800.04, s.
 115 827.071, or s. 847.0145 was classified as a felony of the second
 116 or third degree commits a misdemeanor of the first degree,
 117 punishable as provided in s. 775.082 or s. 775.083.

118 (2) This section shall apply to any person convicted of a
 119 violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145
 120 for offenses that occur on or after October 1, 2004.

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121 Section 3. Paragraph (c) of subsection (12) of section
 122 1006.22, Florida Statutes, is amended to read:

123 1006.22 Safety and health of students being
 124 transported.--Maximum regard for safety and adequate protection
 125 of health are primary requirements that must be observed by
 126 district school boards in routing buses, appointing drivers, and
 127 providing and operating equipment, in accordance with all
 128 requirements of law and rules of the State Board of Education in
 129 providing transportation pursuant to s. 1006.21:

130 (12)

131 (c) Each district school board shall establish school bus
 132 stops, or provide by district school board rule for the
 133 establishment of school bus stops, as necessary at the most
 134 reasonably safe locations available. Each district school board
 135 shall provide to the Department of Corrections the location of
 136 such school bus stops. Where unusual traffic hazards exist at
 137 school bus stops on roads maintained by the state outside of
 138 municipalities, the Department of Transportation, in concurrence
 139 and cooperation with and upon request of the district school
 140 board, shall place signs at such bus stops warning motorists of
 141 the location of the stops.

142 Section 4. This act shall take effect October 1, 2004.