

## CHAMBER ACTION

1 The Committee on Education K-20 recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to sexual offenders; amending s. 947.1405,  
7 F.S.; prohibiting certain sexual offenders subject to  
8 conditional release supervision from living within a  
9 specified distance of public schools and certain places  
10 where children congregate; prohibiting district school  
11 boards from establishing school bus stops within 1,000  
12 feet of the existing residence of persons prohibited from  
13 living within 1,000 feet of a school bus stop; requiring  
14 the Department of Corrections to notify each school  
15 district within a specified time period of the location of  
16 the residence of a sexual offender subject to conditional  
17 release supervision; providing that failure of the  
18 district to comply with such provision shall not result in  
19 a violation by the resident; providing penalties; creating  
20 s. 794.065, F.S.; prohibiting persons convicted of certain  
21 sex crimes from residing within 2 miles of a school or  
22 within 1,000 feet of a day care center, park, or

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

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

44 2. If the victim was under the age of 18, a prohibition on  
45 living within 2 miles of a school or within 1,000 feet of a  
46 ~~school~~, day care center, park, playground, designated public  
47 school bus stop, or other place where children regularly  
48 congregate. A releasee who is subject to the provisions of this  
49 subparagraph may not relocate to a residence that is within  
50 1,000 feet of a public school bus stop. Beginning October 1,

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51 2004, neither the commission nor the department shall approve a  
52 residence that is located within 2 miles of a school or within  
53 1,000 feet of a day care center, park, playground, designated  
54 school bus stop, or other place where children regularly  
55 congregate for any releasee who is subject to the provisions of  
56 this subparagraph. On October 1, 2004, the department shall  
57 notify each affected school district of the location of the  
58 residence of a releasee 30 days prior to release and shall  
59 thereafter notify any affected school district of the residence  
60 of a releasee if the releasee relocates to a new residence  
61 within 30 days after relocation. If, on October 1, 2004, any  
62 public school bus stop is located within 1,000 feet of the  
63 existing residence of such releasee, the district school board  
64 shall relocate such school bus stop. Beginning October 1, 2004,  
65 a district school board shall not establish or relocate a public  
66 school bus stop within 1,000 feet of the existing residence of a  
67 releasee who is subject to the provisions of this subparagraph.  
68 The failure of the district school board to comply with the  
69 provisions of this subparagraph shall not result in a violation  
70 of conditional release supervision.

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

77 4. A prohibition on any contact with the victim, directly  
78 or indirectly, including through a third person, unless approved

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79 | by the victim, the offender's therapist, and the sentencing  
80 | court.

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

84 |             a. Successful completion of a sex offender treatment  
85 | program.

86 |             b. The adult person who is legally responsible for the  
87 | welfare of the child has been advised of the nature of the  
88 | crime.

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

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

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

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

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

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

110 10. Submission to a warrantless search by the community  
111 control or probation officer of the probationer's or community  
112 controllee's person, residence, or vehicle.

113 Section 2. Section 794.065, Florida Statutes, is created  
114 to read:

115 794.065 Unlawful place of residence for persons convicted  
116 of certain sex offenses.--

117 (1) It is unlawful for any person who has been convicted  
118 of a violation of s. 794.011, s. 800.04, s. 827.071, or s.  
119 847.0145, regardless of whether adjudication has been withheld,  
120 in which the victim of the offense was less than 16 years of  
121 age, to reside within 2 miles of any school or within 1,000 feet  
122 of any day care center, park, or playground. A person who  
123 violates this section and whose conviction for s. 794.011, s.  
124 800.04, s. 827.071, or s. 847.0145 was classified as a felony of  
125 the first degree or higher commits a felony of the third degree,  
126 punishable as provided in s. 775.082 or s. 775.083. A person who  
127 violates this section and whose conviction for s. 794.011, s.  
128 800.04, s. 827.071, or s. 847.0145 was classified as a felony of  
129 the second or third degree commits a misdemeanor of the first  
130 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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