

By Senator Miller

18-228-06

1 A bill to be entitled
2 An act relating to special conditions of
3 releasees, probationers, and community
4 controllees; amending ss. 947.1405 and 948.30,
5 F.S.; prohibiting a sexual offender or a sexual
6 predator from relocating to certain residences
7 upon being released or placed on probation or
8 community control; prohibiting the Department
9 of Corrections from approving the relocation of
10 a sexual offender within a specified distance
11 of certain places where children regularly
12 congregate; requiring that the department
13 notify school districts of the location or
14 relocation of sexual offenders; requiring
15 district school boards to relocate certain
16 school bus stops; requiring that school bus
17 stops established or relocated after a certain
18 date be a specified distance from the residence
19 of a sexual offender; providing that failure of
20 a school board to comply with the act is not a
21 violation of the terms of an offender's
22 probation or supervision; providing an
23 effective date.

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

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27 Section 1. Subsection (6) of section 947.1405, Florida
28 Statutes, is amended to read:

29 947.1405 Conditional release program.--
30 (6) The commission shall review the recommendations of
31 the department, and such other information as it deems

1 relevant, and may conduct a review of the inmate's record for
2 the purpose of establishing the terms and conditions of the
3 conditional release. The commission may impose any special
4 conditions it considers warranted from its review of the
5 release plan and recommendation. If the commission determines
6 that the inmate is eligible for release under this section,
7 the commission shall enter an order establishing the length of
8 supervision and the conditions attendant thereto. However, an
9 inmate who has been convicted of a violation of chapter 794 or
10 found by the court to be a sexual offender who was sentenced
11 on or after October 1, 2006, or a sexual predator is subject
12 to the maximum level of supervision provided, with the
13 mandatory conditions as required in subsection (7), and that
14 supervision shall continue through the end of the releasee's
15 original court-imposed sentence. The length of supervision may
16 ~~must~~ not exceed the maximum penalty imposed by the court.

17 Section 2. Paragraph (b) of subsection (1) of section
18 948.30, Florida Statutes, is amended to read:

19 948.30 Additional terms and conditions of probation or
20 community control for certain sex offenses.--Conditions
21 imposed pursuant to this section do not require oral
22 pronouncement at the time of sentencing and shall be
23 considered standard conditions of probation or community
24 control for offenders specified in this section.

25 (1) Effective for probationers or community
26 controllees whose crime was committed on or after October 1,
27 1995, and who are placed under supervision for violation of
28 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court
29 must impose the following conditions in addition to all other
30 standard and special conditions imposed:
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1 (b)1. If the victim was under the age of 18, a
2 prohibition on living within 1,000 feet of a school, day care
3 center, park, playground, designated public school bus stop,
4 or other place where children regularly congregate, as
5 prescribed by the court. The 1,000-foot distance shall be
6 measured in a straight line from the offender's place of
7 residence to the nearest boundary line of the school, day care
8 center, park, playground, designated public school bus stop,
9 or other place where children congregate. The distance may not
10 be measured by a pedestrian route or automobile route.

11 2. A probationer or community controllee who is
12 subject to this paragraph may not relocate to a residence that
13 is within 1,000 feet of a public school bus stop. Beginning
14 October 1, 2006, the Department of Corrections may not
15 approve a residence for any probationer or community
16 controllee who is subject to this paragraph which is located
17 within 1,000 feet of a school, day care center, park,
18 playground, designated school bus stop, or other place where
19 children regularly congregate. On October 1, 2006, the
20 Department of Corrections shall notify each affected school
21 district of the location of the residence of a probationer or
22 community controllee 30 days before release, and thereafter,
23 if the probationer or community controllee relocates to a new
24 residence, shall notify any affected school district of the
25 residence of the probationer or community controllee within 30
26 days after relocation. If, on October 1, 2006, any public
27 school bus stop is located within 1,000 feet of the existing
28 residence of such probationer or community controllee, the
29 district school board shall relocate that school bus stop.
30 Beginning October 1, 2006, a district school board may not
31 establish or relocate a public school bus stop within 1,000

1 feet of the residence of a probationer or community controllee
2 who is subject to this paragraph. The failure of the district
3 school board to comply with this paragraph is not a violation
4 of the terms of an offender's probation or community control.

5 Section 3. This act shall take effect October 1, 2006.

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8 SENATE SUMMARY

9 Prohibits a sexual offender or a sexual predator from
10 relocating to certain residences upon being released or
11 placed on probation or community control. Prohibits the
12 Department of Corrections from approving the relocation
13 of a sexual offender within a specified distance of
14 certain places where children regularly congregate.
15 Requires that the department notify school districts of
16 the location or relocation of sexual offenders. Requires
17 district school boards to relocate certain school bus
18 stops. Requires that school bus stops established or
19 relocated after a certain date be a specified distance
20 from the residence of a sexual offender. Provides that
21 failure of a school board to comply with the act is not a
22 violation of the terms of an offender's probation or
23 supervision.
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