

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Judiciary Committee

BILL: CS/CS/SB 1430

INTRODUCER: Judiciary Committee, Criminal Justice Committee, and Senator Aronberg

SUBJECT: Sexual Predators and Offenders/Public Safety

DATE: April 18, 2008 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	Treadwell	Maclure	JU	Fav/CS
3.			JA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill focuses on persons who have committed sexual crimes against children. The bill provides that indigent sexual predators may defer payment of costs of probation, community control, or conditional release supervision by establishing a payment plan with the clerk of court pursuant to s. 28.246, F.S.

It preempts to the state the adoption of residency distance limitations for enumerated sexual offenders and predators. It also repeals and abolishes all local ordinances that contain residency exclusion zones (regardless of whether they are more stringent than the statewide restriction).

It extends the current statewide residency exclusion zone around certain designated places from 1,000 feet to 1,500 feet, excluding minor predators and offenders. It provides penalties for certain offenders, excluding offenders and predators convicted as minors, who are convicted of loitering or prowling within 600 feet of a place where children regularly congregate.

The bill eliminates the provision precluding conditional releasees from residing within 1,000 feet of a public school bus stop. The bill also eliminates the provision requiring the district school board to relocate any bus stop if a residence of a sexual predator or offender is located within

1,000 feet of an existing school bus stop after October 1, 2004, or locating any school bus stop within 1,000 feet of a residence of a sexual predator or offender after that date.

The bill precludes the Parole Commission or the Department of Corrections from approving any predator's or offender's residence located within 1,500 feet of a school, child care facility, park, playground, or other place where children regularly congregate, and designates which releasees are subject to this restriction. The bill requires the court to restrict community controllees and probationers from living within 1,500 feet of a school, child care facility, park, playground, or other place where children regularly congregate, and designates which community controllees and probationers are subject to this restriction.

This bill amends the following sections of Florida Statutes: 775.21, 775.24, 794.065, 947.1405, 948.06, and 948.30. The bill creates sections 775.215 and 794.0701, Florida Statutes.

II. Present Situation:

As of February 29, 2008, there were 6,862 sexual predators and 40,547 sexual offenders in the state registry. The criteria for designation as a sexual predator are found in s. 775.21, F.S., and the criteria for sexual offenders in s. 943.0435, F.S. The distinction between a sexual predator and a sexual offender is based on what offense the person has been convicted of, whether the person has previously been convicted of a sexual offense, and the date the offense occurred. Sexual predator status can only be conferred for offenses committed on or after October 1, 1993. Sexual offender status applies only if the person was released from the sanction for the designated offense on or after October 1, 1997. The list of designated offenses is not identical for sexual offenders and sexual predators, but commission of any of the following offenses would require registration as either a sexual offender or a sexual predator:

- Kidnapping, false imprisonment, or luring or enticing a child where the victim is a minor and the defendant is not the victim's parent (ss. 787.01, 787.02, and 787.025(2)(c), F.S.).
- Sexual battery under ch. 794, F.S. (except false accusation of another and refusal to be chemically castrated).
- Procuring a person under the age of 18 for prostitution (s. 796.03, F.S.).
- Selling or buying of minors into sex trafficking or prostitution (s. 796.035, F.S.).
- Lewd or lascivious offenses upon or in the presence of a person under 16 (s. 800.04, F.S.).
- Lewd or lascivious offenses on an elderly or disabled person (s. 825.1025, F.S.).
- Enticing, promoting, or possessing images of sexual performance by a child (s. 827.071, F.S.).
- Distribution of obscene materials to a minor (s. 847.0133, F.S.).
- Computer pornography and traveling to meet a minor (s. 847.0135, F.S.).
- Transmission of child pornography by electronic device (s. 847.0137, F.S.).
- Transmission of material harmful to minors to a minor by electronic device (s. 847.0138, F.S.).
- Selling or buying of minors for child pornography (s. 847.0145, F.S.).
- Sexual misconduct by a Department of Juvenile Justice employee with a juvenile offender (s. 985.701(1), F.S.).

- Violating a similar law of another jurisdiction.

Payment of Costs of Supervision

Sexual predators who are financially able to do so must pay all or part of the costs of supervision as a condition of supervision. They must also pay any other restitution or costs imposed as a condition of supervision. There are no provisions currently in statute that authorize deferred payment pursuant to s. 28.246, F.S., of all or part of the costs in accordance with the provisions of that section.¹ However, current law governing the payment of costs associated with supervision or rehabilitation allows the Department of Corrections (DOC) to exempt a person from paying all or part of the costs for various reasons, including insufficient income to make these payments because the offender has not been able to find work (provided that he or she has diligently attempted to find a job).²

Conditional Release Supervision

The Legislature created the Conditional Release Program in 1988. Conditional release requires mandatory post-prison supervision for inmates who: (1) are sentenced for certain violent crimes and who have served a prior felony commitment; (2) are sentenced as a habitual offender, violent habitual offender, or violent career criminal; or (3) are subject to designation as a sexual predator.³ Inmates on conditional release are supervised for a period of time equal to the gain-time that they received in prison. Violation of the conditions of supervision can result in revocation of conditional release and return to prison.⁴ In fiscal year 2006-2007, 4,879 offenders were placed on conditional release supervision. As of January 31, 2008, 2,321 conditional releasees were being supervised in either an active or an active-suspense status.⁵

Residency Exclusions

As part of the effort to protect children from sexual predators and offenders, many states have passed laws to prohibit such offenders from living near places that are typically frequented by children. These residency exclusions (also commonly referred to as “buffer zones”) are based on the idea that if sexual offenders do not live near places where children gather, such as schools or day care centers, they will be less likely to commit sexual offenses against children who frequent those places. It is logical that removing the offender from close proximity to children will both lessen the opportunity and reduce the temptation for the offender to reoffend.

Critics of residency exclusion laws point out that the great majority of sexual offenses against children are committed by someone who has developed a relationship with a child. All too often,

¹ Costs include a total sum of money equal to the total month or portion of a month of supervisions times the court-ordered amount, but not to exceed the actual per diem cost of supervision. Section 948.09(1)(a)1., F.S. Additionally, costs may include a \$2 surcharge to the department, as well as a surcharge for any electronic monitoring. Section 948.09(1)(a)2. and (2), F.S.

² Section 948.09(3), F.S.

³ Section 947.1405(2), F.S.

⁴ Section 947.1405, F.S.

⁵ Florida Department of Corrections, *Monthly Status Report January 2008 Community Supervision Population Summary* (January 2008).

this person is a family member, an adult or adolescent family friend, or a person in a position of trust or authority. A counterpoint is that residency exclusion zones at least limit the opportunity for an offender to begin the initial process of breaking down the child's natural wariness of strangers. For instance, if the child goes by the house of a man who waves a friendly greeting every day, he or she may be less likely to consider that person as a stranger. The offender could use that as a point of vulnerability to begin cultivating an exploitative relationship with the child.

As residency exclusion zones become more restrictive by increasing distance or adding new protected places, it becomes more difficult for offenders to find a lawful place to live. In order to comply with the law, these offenders must live somewhere outside of the residency exclusionary zone. Critics, including some law enforcement officials, have expressed concern that increasingly restrictive residency exclusion laws have the counter-productive effect of causing offenders to quit registering their addresses rather than moving.

Constitutional and other challenges to state sex offender residency restrictions have been largely unsuccessful. In *Doe v. Miller*, the only challenge to reach a federal circuit court to date, the United States Court of Appeals for the Eighth Circuit held that nothing in the Constitution prevented Iowa from using its police powers to establish residence restrictions against sex offenders in furtherance of the health and safety of the state's citizens.⁶

In Florida, state law prohibits persons who have committed certain sex offenses from residing within 1,000 feet of designated places.⁷ These restrictions apply for life to offenders who committed certain offenses after October 1, 2004, and for the duration of supervision for offenders placed on conditional release after certain dates, and offenders on probation or community control for committing designated offenses after certain dates.⁸ These designated offenses are: s. 794.011, F.S. (sexual battery), s. 800.04, F.S. (lewd or lascivious offenses upon or in the presence of a person under 16), s. 827.071, F.S. (enticing, promoting, or possessing images of sexual performance by a child), and s. 847.0145, F.S. (selling or buying of minors). The restrictions are as follows:

- *Unsupervised Persons* – Section 794.065, F.S., applies to persons convicted for committing a designated offense on or after October 1, 2004, if the victim was less than 16 years of age. Such an offender is prohibited from residing within 1,000 feet of a school, day care center, park, or playground. Violation is a first degree misdemeanor if the underlying offense was a second or third degree felony, and it is a third degree felony if the underlying offense was a first degree felony.
- *Conditional Releasees* – Section 947.1405(7)(a), F.S., applies to offenders on conditional release supervision who committed a designated offense on or after October 1, 1995, if the victim was less than 18 years of age. As a condition of supervision, such offenders are prohibited from residing within 1,000 feet of a school, day care center, park, playground, designated public school bus stop, or other place where children regularly congregate.

⁶ *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005). The Iowa statute at issue in *Miller* precluded sexual offenders from residing within 2,000 feet of designated locations.

⁷ Section 794.065, F.S.

⁸ Section 947.1405(7)(a)2., F.S.

This provision became effective on October 1, 2004, and the Parole Commission and DOC were prohibited from approving establishment of a residence inside the exclusion zone on or after that date. Also, school boards were required to relocate existing school bus stops within 1,000 feet of an offender's residence and are prohibited from establishing new bus stops within the proscribed distance.

- *Probationers and Community Controllees* – Section 948.30(1)(b), F.S., also applies to offenders on probation or community control supervision who committed a designated offense on or after October 1, 1995, if the victim was less than 18 years of age. However, the list of places from which the exclusionary zone is measured does not include “designated public school bus stop.” Also, the statute specifies that measurement is to be made by straight line distance, not by a pedestrian or automobile route. The DOC reports that it measures in a straight line for all offenders who are subject to a residency exclusion even if the method is not specified in the statute.

The DOC reports that it expends considerable effort in attempting to assist supervised offenders in locating residences that are not in violation of the conditions of supervision. Of course, it is most difficult for conditional releasees to find an acceptable residence because of the exclusion zone around public school bus stops that is applicable to them. The DOC and the Department of Education have developed a process to identify whether an offender's residence or proposed residence is within 1,000 feet of a school bus stop. In addition, DOC has also made progress in collecting data and automating the process for identifying the locations of other protected places. However, the success of this task is dependent upon the cooperation of other state and local agencies that do not have a specific statutory duty to assist in the process.

Local Residency-Restriction Ordinances

Over the past few years, a large number of Florida cities and counties have passed their own residency exclusions that apply to persons who have committed certain sex crimes. According to information compiled by DOC, 126 local governments have passed residence-exclusion ordinances. At least 10 counties are completely covered by a 2,500-foot residence exclusion, including Miami-Dade, Polk, and Duval counties. The most common distance is 2,500 feet. In addition to increasing the distance, some ordinances add additional places from which measurement is made.

The Duval county 2,500-foot residence exclusion was recently challenged.⁹ The court concluded that the ordinance was unconstitutional on substantive due process grounds.¹⁰ The court reasoned that no rational basis for the ordinance existed because the Florida Legislature had “already determined that a 1,000 foot residency restriction was sufficient to make it impossible for an offender to see and fixate his deviant intentions on a child.”¹¹ Miami-Dade County and Broward County residence exclusion ordinances were also recently challenged, but the cases were settled and withdrawn.

⁹ *State v. Schmidt*, Case No. 16-2006-MO-010568-AXXX (Duval County Circuit Court, October 11, 2007)

¹⁰ *Id.* at 40.

¹¹ *Id.* at 39.

The varying local ordinances setting forth residency restrictions pose significant problems for DOC. In addition to ensuring compliance with the statewide 1,000-foot restriction, DOC must be aware of the details of the more restrictive local ordinances in order for offenders to find a residence that is acceptable.

State Preemption of Local Ordinances

A local ordinance may be declared invalid for inconsistency with state law in two distinct ways:

- If the Legislature has preempted a particular subject area; or
- Where the local government specifically conflicts with the state statute.¹²

The local government may regulate matters already regulated by a state statute, provided that the Legislature has not preempted the area, either expressly or by implication.¹³ Preemption takes an area in which local government might otherwise act and reserves that area for regulation exclusively by the Legislature.¹⁴ In *Schmidt*, the Duval County Circuit Court concluded that, although the Legislature had not expressly preempted sex offender registry restrictions, the State's legislative scheme governing sex offenders and predators was "so pervasive that it demonstrates the Legislature's intent to preempt the field of sex offender and sexual predator regulation."¹⁵

Workplace Exclusions

State law also limits where persons who have committed certain sex offenses can work, whether for pay or as a volunteer. These laws include:

- *Sexual Predators* – Section 775.21(10)(b), F.S., applies to sexual predators who have been convicted of almost any of the previously listed offenses that would require registration as either a sexual offender or a sexual predator if the victim was a minor.¹⁶ These sexual predators are prohibited from working at any business, school, day care center, park, playground, or other place where children regularly congregate. A violation of this provision is a third-degree felony.
- *Conditional Releasees* – Section 947.1405(7)(a)6., F.S., applies to the same group of offenders on conditional release supervision who are subject to the 1,000-foot residency restriction. As a condition of supervision, these conditional releasees are prohibited from working or volunteering at any school, day care center, park, playground, or other place where children regularly congregate.

¹² 12A FLA. JUR 2D *Counties*, Etc. s. 181 (2008).

¹³ *Id.*

¹⁴ *Pinellas County v. City of Largo*, 964 So. 2d 847, 853 (Fla. 2d DCA 2007).

¹⁵ *Schmidt*, Case No. 16-2006-MO-010568-AXXX at 31.

¹⁶ The exceptions are: disclosure of identifying information of a sexual offense victim by a public employee or officer, failing to report sexual battery, publishing or broadcasting the identity of a sexual offense victim, and possession of an erectile dysfunction drug by a sexual predator, all offenses under ch. 794, F.S.; computer pornography under s. 847.0135, F.S.; transmission of child pornography by electronic device under s. 847.0137, F.S.; and transmission of material harmful to minors to a minor by electronic device under s. 847.0138, F.S.

- *Probationers and Community Controllees* – Section 948.30(1)(f), F.S., applies to the same group of probationers and community controllees as the residency exclusion. However, the list of places where they are prohibited from working is more detailed. Prohibited places include “any place where children regularly congregate, including, but not limited to, schools, day care centers, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls.”

Loitering or Prowling

It is a second-degree misdemeanor to loiter or prowl in a place, or at a time, or in an unusual manner for lawful persons, under circumstances that warrant immediate concern for the safety of persons or property in the area.¹⁷ The statute lists examples of circumstances warranting such behavior.

III. Effect of Proposed Changes:

This bill addresses several provisions governing the conduct of individuals designated sexual predators and sexual offenders, including payment of costs of probation and control, residency and employment restrictions, and supervision requirements. Following is a section-by-section analysis of the bill:

Section 1 amends s. 775.21(3), F.S., to provide that indigent sexual predators may defer payment of costs of probation, community control, or conditional release supervision by establishing a payment plan with the clerk of court pursuant to s. 28.246, F.S. Currently, the statute provides that sexual predators who are financially able must pay all or part of the costs of supervision.

Section 75.21(10), F.S., is amended to clarify the list of prohibited places of employment for most sexual predators whose victim was a minor. For example, current law prohibits employment at a “business.” The bill clarifies that predators are prohibited from employment at a “business where children regularly congregate.”

Section 2 of the bill creates s. 775.215, F.S., which expressly preempts to the state the adoption of residency distance limitations for persons convicted of kidnapping or false imprisonment, sexual battery, lewd or lascivious offenses against a child, sexual performance by a child, or selling or buying minors for child pornography. It also repeals and abolishes all local ordinances that contain residency exclusion zones (regardless of whether they are more stringent than the statewide restriction). As previously indicated, the Legislature arguably has already preempted by implication the field of sexual offender and predator regulation.¹⁸ This provision makes clear the intent of the Legislature to completely occupy the field of sexual offender and predator residency distance limitations, and eliminates the disparity in state and local ordinances.

Section 3 amends s. 775.24, F.S., to provide that a judge cannot exempt a person from any applicable residency exclusion in ss. 794.065, 947.1405, and 948.30, F.S., if the person meets the

¹⁷ Section 856.021, F.S.

¹⁸ See text accompanying footnotes 9-15.

criteria for designation as a sexual predator or for classification as a sexual offender. Currently, the judge cannot exempt such a person from registration and notification requirements. Additionally, the judge cannot exempt a person from the provision created in section 5 of the bill which precludes certain offenders from loitering or prowling within 600 feet of places where children regularly congregate.

Section 4 amends s. 794.065, F.S., by creating a new subsection that is applicable to offenses committed on or after October 1, 2008. The list of offenses to which the residency exclusion applies is expanded to include violations of s. 787.01, F.S. (kidnapping), and s. 787.02, F.S. (false imprisonment), if the victim was a minor. Unlike the other listed offenses, these are not necessarily sexual offenses.

Most significantly, for persons who are convicted of any of the enumerated offenses when the victim is under 16 years (kidnapping or false imprisonment, sexual battery, lewd or lascivious offenses against a child, sexual performance by a child, or selling or buying minors for child pornography) on or after October 1, 2008, the residency exclusion is extended from 1,000 feet to 1,500 feet. A sexual offender or sexual predator is excluded from this prohibition if the victim was less than 16 years of age and the predator or offender was a minor. Measurement of the new exclusionary zone must be by straight line, which is the method used to determine the residency exclusion for probationers, not by pedestrian or automobile route.

Section 5 creates s. 794.0701, F.S., to make it a first-degree misdemeanor (currently it is a second-degree misdemeanor for general loitering or prowling) for certain offenders to loiter or prowl within 600 feet of a place where children regularly congregate, including schools, bus stops, child care centers, playgrounds, or parks. These offenders would include any person convicted of kidnapping or false imprisonment, sexual battery, lewd or lascivious offenses against a child, sexual performance by a child, or selling or buying minors for child pornography when the victim is less than 16 years of age. A sexual offender or sexual predator is excluded from this prohibition if the victim was less than 16 years of age and the predator or offender was a minor.

“Child care facilities” are defined as provided in s. 402.302, F.S.¹⁹ “Park” is defined as all public and private property specifically designated as being used for park and recreational purposes and where children regularly congregate. “School” is defined to include private schools, public schools, the Florida School for the Deaf and the Blind, the Florida Virtual School and a K-8 Virtual School, excluding facilities designated exclusively to the education of adults.

Section 6 amends s. 947.1405(7)(a), F.S., to eliminate the provision precluding conditional releasees from residing within 1,000 feet of a public school bus stop. The bill also eliminates the provision requiring the district school board to relocate any bus stop if a residence of a sexual predator or offender is located within 1,000 feet of an existing school bus stop after October 1,

¹⁹ Section 402.302, F.S., defines “child care facilities” as “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.” Excluded from the definition are public schools and nonpublic schools, summer camps having children in full-time residence, summer day camps, Bible schools conducted during vacation periods, and operators of transient establishments. *Id.*

2004, or locating any school bus stops within 1,00 feet of a residence of a sexual predator or offender after that date.

Section 947.1405(7)(a), F.S., is also amended to prohibit the commission or DOC from approving certain residence locations for a conditional releasee who has violated ch. 794, F.S., or ss. 800.04, 827.071, or 847.0145, F.S., with a victim under age 18. The new prohibition extends the current residency exclusion zone from 1,000 to 1,500 feet, measured in a straight line, and not a pedestrian or automobile route. A sexual offender or sexual predator is excluded from this prohibition if the victim was less than 16 years of age and the predator or offender was a minor.

Section 947.1405(11), F.S., is created to designate which releasees are subject to the residency restrictions set forth in s. 947.1405(7)(a), F.S.²⁰

Section 7 amends s. 948.06(4), F.S., which applies to the judge's consideration of pre-hearing release of certain sexual offenders who are arrested for a violation of probation or community control. Currently, a judge cannot release such an offender without making a finding that the offender "is not a danger to the public." The amendment changes this to a requirement that the judge find that the offender "poses no danger to the public." Arguably, this change creates a higher standard for release.

Section 8 amends s. 948.30, F.S., which provides additional terms and conditions of probation or community control for certain sex offenses. The residency exclusionary zone distance is extended to 1,500 feet and the phrase "place where children congregate" (pertaining to the point from which to measure a residence exclusionary zone) is modified to "place where children *regularly* congregate." This prevents an offender from being put in violation of the law by an unexpected congregation of children. A sexual offender or sexual predator is excluded from this prohibition if the victim was less than 16 years of age and the predator or offender was a minor.

Section 948.30(4), F.S., is amended to designate which community controllees and probations are subject to the residency restrictions set forth in s. 948.30(1)(b), F.S.

The effective date of the bill is October 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ See s. VI, *Technical Deficiencies*. Although it appears to be the intent to designate which releasees are subject to the residency restrictions of s. 947.1405(7)(a), F.S., the bill references an incorrect portion of the bill.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There are many possible impacts that could result from the lengthening of the distance of the state residency exclusion and the preemption of local residency exclusion ordinances, but there is too much uncertainty to make a valid estimate without extensive study.

C. Government Sector Impact:

Local Government- The portions of the bill that are related to residency restrictions do not appear to have a direct fiscal impact upon local government.

Department of Corrections- Section 6 of the bill:

- **Number of additional conditional release offenders** – No significant fiscal impact is expected for the first three years because this program targets offenders with lengthy sentences and because of the prospective application of this change. Over time, however, the cumulative growth to the conditional release caseload could be significant. The department estimates 15 offenders under supervision in Year 5.

CJIC- The Criminal Justice Impact Conference determined there would be no prison bed impact as a result of this bill.

VI. Technical Deficiencies:

Although it appears to be the intent of the bill to designate which releasees are subject to the residency restrictions set forth in section 6 of the bill, this provision references the special conditions in “paragraph (b).” This appears to be an incorrect reference, and the Legislature may wish to reference “paragraph (7)(a) of s. 947.1405.”

Due to the placement of the flush-left language in section 4 of the bill (line 153), it is unclear if minors are exempted from both residency restrictions contained in s. 794.065, F.S., or whether the minor is only exempted from the residency restriction denoted in sub-paragraph (2)(a)1.

VII. Related Issues:

According to the DOC, the department and, particularly, probation officers spend a lot of time assisting sex offenders in finding an approved residence because of local ordinances (currently 126) that are more stringent than the statewide restriction. Supervising these offenders is much more difficult when they do not have a suitable residence. The bill's provision preempting the local ordinances and increasing the statewide restriction from 1,000 to 1,500 feet is a compromise, and will benefit sex offenders who are unable to find approved residences. It will also make it more manageable for law enforcement and probation officers to monitor.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Judiciary on April 16, 2008:**

The committee substitute:

- Eliminates references to “libraries” as a restricted location for sexual predators and sexual offenders.
- Defines restricted locations such as “schools,” “child care facilities,” and “parks,” and clarifies the meaning of other restricted locations such as “businesses.”
- Creates an exception to the various residency restrictions and loitering and prowling provision for sexual offenders and sexual predators if the victim was less than 16 years of age and the predator or offender was a minor.
- Eliminates the provision precluding conditional releasees from residing within 1,000 feet of a public school bus stop.
- Eliminates the provision requiring the district school board to relocate any bus stop if a residence of a sexual predator or offender is located within 1,000 feet of an existing school bus stop after October 1, 2004, or locating any school bus stop within 1,000 feet of a residence of a sexual predator or offender after that date.
- Removes a provision allowing the Parole Commission to modify the conditions of supervision at any time.
- Restores a sexual offender or predator conditional releasee’s right to claim as a defense to an allegation of a community supervision violation, the inability to locate a residence.
- Designates which releasees are subject to the residency restrictions set forth in 947.1405(7)(a), F.S.
- Designates which community controllees and probations are subject to the residency restrictions set forth in 948.30(1)(b), F.S.
- Removes the provision expanding the requirement for electronic monitoring while under community supervision for two additional offenses.
- Deletes the provision adding new offenders who are subject to conditional release supervision after incarceration.
- Eliminates the provision directing the Department of Law Enforcement to study the feasibility of changing the beginning dates from when the commission of a crime requires registration as a sexual predator or offender.

CS by Criminal Justice on April 1, 2008:

The committee substitute:

- Preempts to the state the adoption of residency exclusion zones for enumerated sexual offenders and predators.
- Repeals and abolishes all local ordinances that contain residency exclusion zones.
- Extends the current statewide residency exclusion zone around certain designated places from 1,000 feet to 1,500 feet.
- Provides enhanced penalties for certain offenders who are convicted of loitering or prowling within 600 feet of a place where children regularly congregate.
- Adds new offenders who are subject to conditional release supervision after incarceration.
- Expands the requirement for electronic monitoring while under community supervision for two additional offenses.
- Eliminates inability of a conditional releasee who is a sexual offender or predator to locate a residence as a defense to an allegation community supervision violation.

B. Amendments:

None.