

# FLORIDA DEPARTMENT OF EDUCATION



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## MEMORANDUM

**DATE:** September 17, 2004

**TO:** District School Superintendents

**CC:** Transportation Directors  
Charter Schools  
Department of Corrections Contacts  
Chancellor James Warford

**FROM:** Raymond Monteleone

**SUBJECT:** Senate Bill 120-Provisions Relating to Specified Offenders and School Bus Stops

During the 2004 Legislative session, Senate Bill 120 passed and was signed into law by the Governor. The legislation amended Section 947.1405, Florida Statutes, effective October 1, 2004, to add certain provisions relating to designated public school bus stops.

The Act prohibits certain sexual offenders released from prison under “conditional release supervision” (hereinafter referred to as “conditional releasees”) from relocating to or being placed in a residence within 1,000 feet of a public school bus stop. Beginning October 1, 2004, the effective date of the Act, the Florida Department of Corrections (DOC) must notify the school board in the county where a specified, currently incarcerated offender will reside upon her/his release from prison. This notification must take place at least 30 days prior to release and will continue if the conditional releasee relocates while under conditional release supervision.

**RAYMOND MONTELEONE**

*Deputy Commissioner / Chief Operating and Education Financial Officer*

The Act also requires school districts to relocate any school bus stop that is within 1,000 feet of the existing residence of a specified offender as of October 1, 2004, and districts may not establish or relocate a stop within 1,000 feet of a releasee's residence starting on or after that date.

A copy of the enrolled bill can be viewed or downloaded from the Legislature's web site at: <http://www.flsenate.gov/data/session/2004/Senate/bills/billtext/pdf/s0120er.pdf>.

Reports that SB 120 will prohibit school bus stops from being placed within 1,000 feet of all persons who have been convicted of a sexual crime are totally inaccurate. As stated previously, the provisions relating to residence proximity to bus stops apply only to a limited number of sexual offenders who have committed certain crimes after a specified date against victims under the age of 18 and are under "conditional release supervision" following incarceration. A detailed explanation can be found in the legislation itself and in the attached letter dated June 10, 2004, from the DOC. The Department of Education (DOE) has been informed by DOC that there were 53 of the subject "conditional releasees" in Florida, as of June, 2004. According to the DOC, this number remains relatively stable, due primarily to the fact that offenders do not remain under conditional release supervision indefinitely.

In spite of the narrow focus of this legislation, school districts face significant challenges in establishing compliant bus stop locations, and state and local corrections officials face equally significant challenges in finding residential locations for the inmates who will be released into the community. Successful implementation of the requirements will depend on regular communication between affected school districts and local DOC officials. The school district's primary responsibility will be to communicate information requested or needed by local DOC officials on public school bus stop locations as expeditiously as possible, preferably within one business day of an inquiry about potential location or relocation of a conditional releasee.

In order to ensure that both parties understand each other's timelines and challenges in implementing their respective requirements, each school district should designate an in-house contact to work with DOC officials. The locations and telephone numbers of local probation offices can be viewed at the DOC website, as indicated in the attached letter.

Three documents are attached to provide additional assistance:

1. Senate Bill 120 - Frequently Asked Questions- These questions and answers were derived from concerns raised during a recent Florida Association for Pupil Transportation (FAPT) annual conference training session with district transportation personnel, DOE officials, and DOC officials.
2. Florida Department of Corrections (DOC) Letter- This is the previously referenced letter of June 10, 2004, from DOC, outlining their interpretation of the SB 120 legislation, along with their commitment to assist the local districts through all phases of the new requirements.
3. Implementation of Senate Bill 120 Requirements- This is an information sheet from DOC regarding their interpretation of the new legislation.

As each district implements this legislation, we encourage you to call our School Transportation office at 850-245-9795 to discuss available resources and options, including additional information, training materials, and/or the names of colleagues with experience in implementing the bill. The Department's School Transportation office is also interested in collecting additional questions and concerns, as well as best practices that districts may have established to protect children from sexual offenders within Florida's communities. This information will be useful in providing information to the Legislature regarding the implementation of SB 120 and any future bills that may be introduced in this area.

RM/cfh/rhm

Attachments: Senate Bill 120 Frequently Asked Questions  
Department of Corrections Letter  
Implementation of Senate Bill 120 Requirements