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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
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The Committee on Governmental Oversight and Accountability
(Book) recommended the following:

Senate Amendment (with title amendment)

Between lines 94 and 95
insert:

Section 2. Paragraph (a) of subsection (7) and paragraph
(b) of subsection (10) of section 775.21, Florida Statutes, are
amended, and paragraph (q) is added to subsection (2) of said
section, to read:

775.21 The Florida Sexual Predators Act.—

(2) DEFINITIONS.—As used in this section, the term:

(q) "Government-sponsored recreation program" has the same
meaning as provided in s. 402.302.

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform members of the
community and the public of a sexual predator's presence. Upon
notification of the presence of a sexual predator, the sheriff
of the county or the chief of police of the municipality where
the sexual predator establishes or maintains a permanent or



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19 temporary residence shall notify members of the community and
20 the public of the presence of the sexual predator in a manner
21 deemed appropriate by the sheriff or the chief of police. Within
22 48 hours after receiving notification of the presence of a
23 sexual predator, the sheriff of the county or the chief of
24 police of the municipality where the sexual predator temporarily
25 or permanently resides shall notify each licensed child care
26 facility, government-sponsored recreation program, elementary
27 school, middle school, and high school within a 1-mile radius of
28 the temporary or permanent residence of the sexual predator of
29 the presence of the sexual predator. Information provided to
30 members of the community and the public regarding a sexual
31 predator must include:

- 32 1. The name of the sexual predator;
- 33 2. A description of the sexual predator, including a
34 photograph;
- 35 3. The sexual predator's current permanent, temporary, and
36 transient addresses, and descriptions of registered locations
37 that have no specific street address, including the name of the
38 county or municipality if known;
- 39 4. The circumstances of the sexual predator's offense or
40 offenses; and
- 41 5. Whether the victim of the sexual predator's offense or
42 offenses was, at the time of the offense, a minor or an adult.

43
44 This paragraph does not authorize the release of the name of any
45 victim of the sexual predator.

46 (10) PENALTIES.—

47 (b) A sexual predator who has been convicted of or found to
48 have committed, or has pled nolo contendere or guilty to,
49 regardless of adjudication, any violation, or attempted
50 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where



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51 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
52 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
53 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
54 985.701(1); or a violation of a similar law of another
55 jurisdiction when the victim of the offense was a minor, and who
56 works, whether for compensation or as a volunteer, at any
57 business, school, child care facility, government-sponsored
58 recreation program, park, playground, or other place where
59 children regularly congregate, commits a felony of the third
60 degree, punishable as provided in s. 775.082, s. 775.083, or s.
61 775.084.

62 Section 3. Paragraph (a) of subsection (2) and paragraph
63 (a) of subsection (3) of section 775.215, Florida Statutes, are
64 amended, and paragraph (e) is added to subsection (1) of said
65 section, to read:

66 775.215 Residency restriction for persons convicted of
67 certain sex offenses.—

68 (1) As used in this section, the term:

69 (e) "Government-sponsored recreation program" has the same
70 meanings as provided in s. 402.302.

71 (2) (a) A person who has been convicted of a violation of s.
72 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
73 regardless of whether adjudication has been withheld, in which
74 the victim of the offense was less than 16 years of age, may not
75 reside within 1,000 feet of any school, child care facility,
76 government-sponsored recreation program, park, or playground.

77 However, a person does not violate this subsection and may not
78 be forced to relocate if he or she is living in a residence that
79 meets the requirements of this subsection and a school, child
80 care facility, government-sponsored recreation program, park, or
81 playground is subsequently established within 1,000 feet of his
82 or her residence.



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83 (3) (a) A person who has been convicted of an offense in
84 another jurisdiction that is similar to a violation of s.
85 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
86 regardless of whether adjudication has been withheld, in which
87 the victim of the offense was less than 16 years of age, may not
88 reside within 1,000 feet of any school, child care facility,
89 government-sponsored recreation program, park, or playground.
90 However, a person does not violate this subsection and may not
91 be forced to relocate if he or she is living in a residence that
92 meets the requirements of this subsection and a school, child
93 care facility, government-sponsored recreation program, park, or
94 playground is subsequently established within 1,000 feet of his
95 or her residence.

96 Section 4. Paragraph (c) of subsection (1) of section
97 893.13, Florida Statutes, is amended to read:

98 893.13 Prohibited acts; penalties.—

99 (1)

100 (c) Except as authorized by this chapter, a person may not
101 sell, manufacture, or deliver, or possess with intent to sell,
102 manufacture, or deliver, a controlled substance in, on, or
103 within 1,000 feet of the real property comprising a child care
104 facility as defined in s. 402.302, a government-sponsored
105 recreation program facility as defined in s. 402.302, or a
106 public or private elementary, middle, or secondary school
107 between the hours of 6 a.m. and 12 midnight, or at any time in,
108 on, or within 1,000 feet of real property comprising a state,
109 county, or municipal park, a community center, or a publicly
110 owned recreational facility. As used in this paragraph, the term
111 "community center" means a facility operated by a nonprofit
112 community-based organization for the provision of recreational,
113 social, or educational services to the public. A person who
114 violates this paragraph with respect to:



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115 1. A controlled substance named or described in s.
116 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
117 commits a felony of the first degree, punishable as provided in
118 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
119 sentenced to a minimum term of imprisonment of 3 calendar years
120 unless the offense was committed within 1,000 feet of the real
121 property comprising a child care facility as defined in s.
122 402.302 or a government-sponsored recreation program facility as
123 defined in s. 402.302.

124 2. A controlled substance named or described in s.
125 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
126 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
127 the second degree, punishable as provided in s. 775.082, s.
128 775.083, or s. 775.084.

129 3. Any other controlled substance, except as lawfully sold,
130 manufactured, or delivered, must be sentenced to pay a \$500 fine
131 and to serve 100 hours of public service in addition to any
132 other penalty prescribed by law.

133
134 This paragraph does not apply to a child care facility or a
135 government-sponsored recreation program facility as defined in
136 s. 402.302 unless the owner or operator of the facility posts a
137 sign that is not less than 2 square feet in size with a word
138 legend identifying the facility as a licensed child care
139 facility or a government-sponsored recreation program facility
140 as defined in s. 402.302 and that is posted on the property of
141 the child care facility or a government-sponsored recreation
142 program facility as defined in s. 402.302 in a conspicuous place
143 where the sign is reasonably visible to the public.

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148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete line 7

151 and insert:

152 program"; amending s. 775.21, F.S.; defining the term
153 "government-sponsored recreation program"; including
154 government-sponsored recreation programs in the
155 notification and penalty provisions of the Florida
156 Sexual Predators Act; amending s. 775.215, F.S.;
157 defining the term "government-sponsored recreation
158 program"; including a government-sponsored recreation
159 program facility among the residency restrictions for
160 persons convicted of certain sex offenses; amending s.
161 893.13, F.S.; including a government-sponsored
162 recreation program facility among the locations
163 regarding prohibited acts for which it is unlawful to
164 sell, manufacture, or deliver, or possess with the
165 intent to sell, manufacture, or deliver a controlled
166 substance, and including government-sponsored
167 recreation program facilities in the statutory
168 exception, requiring such facilities to post a sign
169 reasonably visible to the public indicating it as a
170 government-sponsored recreation program facility;
171 amending ss. 39.201, 402.305 and