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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/19/2010	.	
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	.	
	.	

The Committee on Judiciary (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 529 - 605

and insert:

Section 3. Section 794.065, Florida Statutes, is transferred, renumbered as section 775.215, Florida Statutes, and amended to read:

775.215 ~~794.065~~ Residency restriction ~~Unlawful place of residence~~ for persons convicted of certain sex offenses.-

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

(a) "Child care facility" has the same meaning as provided in s. 402.302.

(b) "Park" means all public and private property



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14 specifically designated as being used for recreational purposes
15 and where children regularly congregate.

16 (c) "Playground" means a designated independent area in the
17 community or neighborhood which is designated solely for
18 children and has one or more play structures.

19 (d) "School" has the same meaning as provided in s. 1003.01
20 and includes a private school as defined in s. 1002.01, a
21 voluntary prekindergarten education program as described in s.
22 1002.53(3), a public school as described in s. 402.3025(1), the
23 Florida School for the Deaf and the Blind, the Florida Virtual
24 School as established in s. 1002.37, and a K-8 Virtual School as
25 established in s. 1002.415, but does not include facilities
26 dedicated exclusively to the education of adults.

27 (2) (a) ~~(1)~~ No It is unlawful for any person who has been
28 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
29 s. 847.0135(5), or s. 847.0145, regardless of whether
30 adjudication has been withheld, in which the victim of the
31 offense was less than 16 years of age, shall ~~to~~ reside within
32 1,000 feet of any school, child care facility ~~day care center,~~
33 park, or playground. However, a person does not violate this
34 subsection and may not be forced to relocate if he or she is
35 living in a residence that meets the requirements of this
36 subsection and a school, child care facility, park, or
37 playground is subsequently established within 1,000 feet of his
38 or her residence.

39 (b) A person who violates this subsection ~~section~~ and whose
40 conviction under s. 794.011, s. 800.04, s. 827.071, s.
41 847.0135(5), or s. 847.0145 was classified as a felony of the
42 first degree or higher commits a felony of the third degree,



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43 punishable as provided in s. 775.082 or s. 775.083. A person who
44 violates this subsection ~~section~~ and whose conviction under s.
45 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145
46 was classified as a felony of the second or third degree commits
47 a misdemeanor of the first degree, punishable as provided in s.
48 775.082 or s. 775.083.

49 (c) (2) This subsection ~~section~~ applies to any person
50 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
51 s. 847.0135(5), or s. 847.0145 for offenses that occur on or
52 after October 1, 2004, excluding persons who have been removed
53 from the requirement to register as a sexual offender or sexual
54 predator pursuant to s. 943.04354.

55 (3) (a) A person who has been convicted of an offense in

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

58 And the title is amended as follows:

59
60 Delete lines 15 - 20

61 and insert:

62
63 renumbering, and amending s. 794.065, F.S.; providing