

By Senator Crist

12-207-05

1 A bill to be entitled
2 An act relating to the residence of sexual
3 offenders; amending s. 794.065, F.S.; defining
4 the term "convicted" and "conviction" to
5 include a conviction in another state or in a
6 federal jurisdiction; prohibiting a person who
7 has been convicted of certain sexual offenses
8 in another state or federal jurisdiction from
9 residing within 1,000 feet of certain specified
10 locations if the victim was younger than 16
11 years of age; providing penalties; providing an
12 effective date.

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

16 Section 1. Section 794.065, Florida Statutes, is
17 amended to read:

18 794.065 Unlawful place of residence for persons
19 convicted of certain sex offenses.--

20 (1) As used in this section, the term "convicted" or
21 "conviction" means there has been a determination of guilt as
22 a result of a trial or the entry of a plea of guilty or nolo
23 contendere, regardless of whether adjudication is withheld. A
24 conviction for a similar offense includes, but is not limited
25 to, a conviction by a state or federal court or military
26 tribunal, including a court-martial conducted by the Armed
27 Forces of the United States, and includes a conviction or
28 entry of a plea of guilty or nolo contendere resulting in a
29 sanction in any state of the United States or other
30 jurisdiction. A sanction includes, but is not limited to, a
31 fine; probation; community control; parole; conditional

1 release; control release; or incarceration in a state prison,
2 federal prison, private correctional facility, or local
3 detention facility.

4 ~~(2)(1)~~ It is unlawful for any person who has been
5 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
6 or s. 847.0145, or a similar offense in another jurisdiction
7 ~~regardless of whether adjudication has been withheld~~, in which
8 the victim of the offense was less than 16 years of age, to
9 reside within 1,000 feet of any school, day care center, park,
10 or playground. A person who violates this section and whose
11 conviction under s. 794.011, s. 800.04, s. 827.071, or s.
12 847.0145, or whose conviction of a similar offense in another
13 jurisdiction, was classified as a felony of the first degree
14 or higher commits a felony of the third degree, punishable as
15 provided in s. 775.082 or s. 775.083. A person who violates
16 this section and whose conviction under s. 794.011, s. 800.04,
17 s. 827.071, or s. 847.0145, or whose conviction of a similar
18 offense in another jurisdiction, was classified as a felony of
19 the second or third degree commits a misdemeanor of the first
20 degree, punishable as provided in s. 775.082 or s. 775.083.

21 ~~(3)(2)~~ This section applies to any person convicted of
22 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
23 847.0145 for offenses that occur on or after October 1, 2004,
24 and to any person convicted of a similar offense in another
25 jurisdiction for offenses that occur on or after July 1, 2005.

26 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Provides a definition for the term "convicted" and "conviction" to include convictions in other states and in a federal jurisdiction. Provides that it is unlawful for a person who has been convicted of certain sexual offenses in this state or similar offenses in other states or a federal jurisdiction to reside within 1,000 feet of certain specified locations if the victim was younger than 16 years of age. Provides penalties.