

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

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 794.065, Florida Statutes, is amended
 15 to read:

16 794.065 Unlawful place of residence for persons convicted
 17 of certain sex offenses.--

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

29 community control; parole; conditional release; control release;
 30 or incarceration in a state prison, federal prison, private
 31 correctional facility, or local detention facility.

32 ~~(2)(1)~~ It is unlawful for any person who has been
 33 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
 34 or s. 847.0145, or a similar offense in another jurisdiction
 35 ~~regardless of whether adjudication has been withheld~~, in which
 36 the victim of the offense was less than 16 years of age, to
 37 reside within 1,000 feet of any school, day care center, park,
 38 or playground. A person who violates this section and whose
 39 conviction under s. 794.011, s. 800.04, s. 827.071, or s.
 40 847.0145, or whose conviction of a similar offense in another
 41 jurisdiction, was classified as a felony of the first degree or
 42 higher commits a felony of the third degree, punishable as
 43 provided in s. 775.082 or s. 775.083. A person who violates this
 44 section and whose conviction under s. 794.011, s. 800.04, s.
 45 827.071, or s. 847.0145, or whose conviction of a similar
 46 offense in another jurisdiction, was classified as a felony of
 47 the second or third degree commits a misdemeanor of the first
 48 degree, punishable as provided in s. 775.082 or s. 775.083.

49 ~~(3)(2)~~ This section applies to any person convicted of a
 50 violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145
 51 for offenses that occur on or after October 1, 2004, and, for
 52 offenses that occur on or after July 1, 2005, to any person
 53 convicted of a similar offense in another jurisdiction.

54 Section 2. This act shall take effect July 1, 2005.