

CHAMBER ACTION

1 The Justice Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to sexual offenders; amending s. 794.065,
7 F.S.; defining the terms "convicted" and "conviction" to
8 include a conviction in another state or in a federal
9 jurisdiction; prohibiting a person who has been convicted
10 of certain sexual offenses in another state or federal
11 jurisdiction from residing within 1,000 feet of certain
12 specified locations if the victim was younger than 16
13 years of age; providing penalties; amending s. 943.0435,
14 F.S.; requiring a sexual offender to report in the county
15 in which employed; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 794.065, Florida Statutes, is amended
20 to read:

21 794.065 Unlawful place of residence for persons convicted
22 of certain sex offenses.--

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

37 (2)(1) It is unlawful for any person who has been
 38 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
 39 or s. 847.0145, or a similar offense in another jurisdiction
 40 ~~regardless of whether adjudication has been withheld~~, in which
 41 the victim of the offense was less than 16 years of age, to
 42 reside within 1,000 feet of any school, day care center, park,
 43 or playground. A person who violates this section and whose
 44 conviction under s. 794.011, s. 800.04, s. 827.071, or s.
 45 847.0145, or whose conviction of a similar offense in another
 46 jurisdiction, was classified as a felony of the first degree or
 47 higher commits a felony of the third degree, punishable as
 48 provided in s. 775.082 or s. 775.083. A person who violates this
 49 section and whose conviction under s. 794.011, s. 800.04, s.
 50 827.071, or s. 847.0145, or whose conviction of a similar

51 | offense in another jurisdiction, was classified as a felony of
 52 | the second or third degree commits a misdemeanor of the first
 53 | degree, punishable as provided in s. 775.082 or s. 775.083.

54 | ~~(3)(2)~~ This section applies to any person convicted of a
 55 | violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145
 56 | for offenses that occur on or after October 1, 2004, and, for
 57 | offenses that occur on or after July 1, 2005, to any person
 58 | convicted of a similar offense in another jurisdiction.

59 | Section 2. Paragraph (a) of subsection (2) of section
 60 | 943.0435, Florida Statutes, is amended to read:

61 | 943.0435 Sexual offenders required to register with the
 62 | department; penalty.--

63 | (2) A sexual offender shall:

64 | (a) Report in person at an office of the department, or at
 65 | the sheriff's office in the county in which the offender
 66 | establishes or maintains a permanent or temporary residence and
 67 | in which the offender is employed, if employed, within 48 hours
 68 | after establishing permanent or temporary residence or obtaining
 69 | or changing employment in this state or within 48 hours after
 70 | being released from the custody, control, or supervision of the
 71 | Department of Corrections or from the custody of a private
 72 | correctional facility. Any change in the sexual offender's
 73 | permanent or temporary residence, place of employment, or name,
 74 | after the sexual offender reports in person at an office of the
 75 | department or at the sheriff's office, shall be accomplished in
 76 | the manner provided in subsections (4), (7), and (8).

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78 | If a sexual offender reports at the sheriff's office, the
79 | sheriff shall take a photograph and a set of fingerprints of the
80 | offender and forward the photographs and fingerprints to the
81 | department, along with the information provided by the sexual
82 | offender. The sheriff shall promptly provide to the department
83 | the information received from the sexual offender.

84 | Section 3. This act shall take effect July 1, 2005.