

CHAMBER ACTION

1 The Justice Council recommends the following:

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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; providing an effective
14 date.

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

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

20 794.065 Unlawful place of residence for persons convicted
21 of certain sex offenses.--

22 (1) As used in this section, the term "convicted" or
23 "conviction" means there has been a determination of guilt as a

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

36 (2)(1) It is unlawful for any person who has been
 37 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
 38 or s. 847.0145, or a similar offense in another jurisdiction
 39 ~~regardless of whether adjudication has been withheld~~, in which
 40 the victim of the offense was less than 16 years of age, to
 41 reside within 1,000 feet of any school, day care center, park,
 42 or playground. A person who violates this section and whose
 43 conviction under s. 794.011, s. 800.04, s. 827.071, or s.
 44 847.0145, or whose conviction of a similar offense in another
 45 jurisdiction, was classified as a felony of the first degree or
 46 higher commits a felony of the third degree, punishable as
 47 provided in s. 775.082 or s. 775.083. A person who violates this
 48 section and whose conviction under s. 794.011, s. 800.04, s.
 49 827.071, or s. 847.0145, or whose conviction of a similar
 50 offense in another jurisdiction, was classified as a felony of

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51 | the second or third degree commits a misdemeanor of the first
52 | degree, punishable as provided in s. 775.082 or s. 775.083.

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

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