



557394

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/09/2010	.	
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The Committee on Criminal Justice (Wilson) recommended the following:

1 **Senate Amendment to Amendment (213290) (with title**
2 **amendment)**

3
4 Delete lines 450 - 501
5 and insert:

6 (1) The creation of a residency restriction applicable to a
7 person required to register as a sexual predator is expressly
8 preempted to the state, and the provisions of ss. 794.065,
9 947.1405, and 948.30 establishing such exclusions supersede any
10 municipal or county ordinance imposing different exclusions.

11 (2) (a) An ordinance adopted by a county or municipality
12 before July 1, 2010, imposing residency restrictions for a



557394

13 person subject to s. 794.065, s. 947.1405, or s. 948.30, which
14 are in excess of the requirements of those sections, are
15 repealed and abolished as of July 1, 2010, except to the extent
16 that an ordinance as provided in paragraph (b) is adopted before
17 that date.

18 (b) An ordinance adopted by a county or municipality shall
19 not be preempted by this section that contains residency
20 restrictions that are in excess of the distance exclusions for
21 the residence of a person subject to s. 794.065, s. 947.1405, or
22 s. 948.30 up to a maximum distance of 2500 feet from a (i)
23 school, (ii) child care facility, or (iii) other similar
24 facility where multiple children congregate in one location for
25 group activities or supervision.

26 (c) For purposes of subsection (b)(iii), the facility must
27 be specifically identified in a separate ordinance enacted by a
28 county or municipality upon the written recommendation of its
29 chief law enforcement officer and upon a finding of public
30 necessity.

31 (3) As used in this section, the term:

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

34 (b) "Park" means all public and private property
35 specifically designated as being used for recreational purposes
36 and where children regularly congregate.

37 (c) "Playground" means a designated independent area in the
38 community or neighborhood that is designated solely for children
39 and has one or more play structures.

40 (d) "School" has the same meaning as provided in s. 1003.01
41 and includes a private school as defined in s. 1002.01, a



557394

42 voluntary prekindergarten education program as described in s.
43 1002.53(3), a public school as described in s. 402.3025(1), the
44 Florida School for the Deaf and the Blind, the Florida Virtual
45 School as established in s. 1002.37, and a K-8 Virtual School as
46 established in s. 1002.415, but does not include facilities
47 dedicated exclusively to the education of adults.

48 (4) (a) ~~(1)~~ No It is unlawful for any person who has been
49 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
50 s. 847.0135(5), ~~or~~ s. 847.0145, regardless of whether
51 adjudication has been withheld, in which the victim of the
52 offense was less than 16 years of age, shall ~~to~~ reside within
53 1,000 feet of any school, child care facility ~~day care center,~~
54 park, or playground. However, a person does not violate this
55 subsection and may not be forced to relocate if he or she is
56 living in a residence that meets the requirements of this
57 subsection and a school, child care facility, park, or
58 playground is subsequently established within 1,000 feet of his
59 or her residence.

60 (b) A person who violates this subsection and whose
61 conviction under s. 794.011, s. 800.04, s. 827.071, s.
62 847.0135(5), or s. 847.0145 was classified as a felony of the
63 first degree or higher commits a felony of the third degree,
64 punishable as provided in s. 775.082 or s. 775.083. A person who
65 violates this subsection and whose conviction under s. 794.011,
66 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was
67 classified as a felony of the second or third degree commits a
68 misdemeanor of the first degree, punishable as provided in s.
69 775.082 or s. 775.083.

70 (c) ~~(2)~~ This subsection applies to any person convicted of a



557394

71 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
72 or s. 847.0145 for offenses that occur on or after October 1,
73 2004, excluding persons who have been removed from the
74 requirement to register as a sexual offender or sexual predator
75 pursuant to s. 943.04354.

76 (5) (a) No person who has been convicted of an offense in
77

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

79 And the title is amended as follows:

80 Delete line 1684

81 and insert:

82 794.065, F.S., as s. 775.215, F.S.; preempting certain
83 local ordinances relating to residency limitations for
84 sexual predators and offenders and providing for
85 repeal of such ordinances; providing for limited
86 exceptions for distance provisions in ordinances
87 meeting specified requirements; providing