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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)**

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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



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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15 repealed and abolished as of July 1, 2010, except to the extent  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) A county or municipality may, upon the recommendation  
19 of its chief law enforcement officer and upon a finding of  
20 public necessity, adopt an ordinance by two-thirds vote of the  
21 governing body that increases the distance exclusions for the  
22 residence of a person subject to s. 794.065, s. 947.1405, or s.  
23 948.30 up to a maximum distance of 2500 feet from a school or  
24 child care facility.

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

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

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

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

34 (d) "School" has the same meaning as provided in s. 1003.01  
35 and includes a private school as defined in s. 1002.01, a  
36 voluntary prekindergarten education program as described in s.  
37 1002.53(3), a public school as described in s. 402.3025(1), the  
38 Florida School for the Deaf and the Blind, the Florida Virtual  
39 School as established in s. 1002.37, and a K-8 Virtual School as  
40 established in s. 1002.415, but does not include facilities  
41 dedicated exclusively to the education of adults.



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42           (4) (a) ~~(1)~~ No It is unlawful for any person who has been  
43 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
44 s. 847.0135(5), ~~or~~ s. 847.0145, regardless of whether  
45 adjudication has been withheld, in which the victim of the  
46 offense was less than 16 years of age, shall ~~to~~ reside within  
47 1,000 feet of any school, child care facility ~~day care center,~~  
48 park, or playground. However, a person does not violate this  
49 subsection and may not be forced to relocate if he or she is  
50 living in a residence that meets the requirements of this  
51 subsection and a school, child care facility, park, or  
52 playground is subsequently established within 1,000 feet of his  
53 or her residence.

54           (b) A person who violates this subsection and whose  
55 conviction under s. 794.011, s. 800.04, s. 827.071, s.  
56 847.0135(5), or s. 847.0145 was classified as a felony of the  
57 first degree or higher commits a felony of the third degree,  
58 punishable as provided in s. 775.082 or s. 775.083. A person who  
59 violates this subsection and whose conviction under s. 794.011,  
60 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was  
61 classified as a felony of the second or third degree commits a  
62 misdemeanor of the first degree, punishable as provided in s.  
63 775.082 or s. 775.083.

64           (c) ~~(2)~~ This subsection applies to any person convicted of a  
65 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),  
66 or s. 847.0145 for offenses that occur on or after October 1,  
67 2004, excluding persons who have been removed from the  
68 requirement to register as a sexual offender or sexual predator  
69 pursuant to s. 943.04354.

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



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

And the title is amended as follows:

    Delete line 1684

and insert:

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