

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Dorworth offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 33 and 34, insert:

5 Section 3. Section 794.065, Florida Statutes, is
6 transferred, renumbered as section 775.215, Florida Statutes,
7 and amended to read:

8 775.215 ~~794.065~~ Residency restriction ~~Unlawful place of~~
9 ~~residence~~ for persons convicted of certain sex offenses.-

10 (1) The creation of a residency restriction applicable to
11 a person who is required to register as a sexual predator or a
12 sexual offender is expressly preempted to the state, and the
13 provisions of this section and ss. 947.1405 and 948.30
14 establishing such exclusions supersede any municipal or county
15 ordinance imposing different exclusions.

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16 (2) (a) Any part of an ordinance adopted by a county or
17 municipality before July 1, 2010, which imposes residency
18 restrictions in excess of the requirements of this section, s.
19 947.1405, or s. 948.30 is repealed and abolished as of July 1,
20 2010, unless it meets the requirements of paragraphs (b) and
21 (c).

22 (b) This section does not preempt any county or municipal
23 residency restriction that applies to a distance greater than
24 1,000 feet but not more than 2,500 feet from:

25 1. A school;

26 2. Child care facility; or

27 3. Other similar facility where multiple children
28 congregate in one location for group activities or supervision.

29 (c) For purposes of subparagraph (b)3., the "other similar
30 facility" must be specifically identified in a separate
31 ordinance enacted by a county or municipality upon the written
32 recommendation of its chief law enforcement officer.

33 (d) This section does not prevent a county or municipal
34 ordinance from applying retroactively to a person convicted of
35 sexual offenses before the date of the enactment of the
36 ordinance or from applying to a person who is convicted of
37 offenses proscribed in Florida Statutes or similar offenses in
38 another jurisdiction.

39 (3) ~~(1)~~ It is unlawful for any person who has been
40 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
41 s. 847.0135(5), or s. 847.0145, regardless of whether
42 adjudication has been withheld, in which the victim of the
43 offense was less than 16 years of age, to reside within 1,000
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44 feet of any school, day care center, park, or playground. A
45 person who violates this section and whose conviction under s.
46 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145
47 was classified as a felony of the first degree or higher commits
48 a felony of the third degree, punishable as provided in s.
49 775.082 or s. 775.083. A person who violates this section and
50 whose conviction under s. 794.011, s. 800.04, s. 827.071, s.
51 847.0135(5), or s. 847.0145 was classified as a felony of the
52 second or third degree commits a misdemeanor of the first
53 degree, punishable as provided in s. 775.082 or s. 775.083.

54 ~~(4)~~ (2) This section applies to any person convicted of a
55 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
56 or s. 847.0145 for offenses that occur on or after October 1,
57 2004.

58 Section 4. Section 856.022, Florida Statutes, is created
59 to read:

60 856.022 Loitering or prowling by certain offenders in
61 close proximity to children; penalty.-

62 (1) Except as provided in subsection (2), this section
63 applies to a person convicted of committing, or attempting,
64 soliciting, or conspiring to commit, any of the criminal
65 offenses proscribed in the following statutes in this state or
66 similar offenses in another jurisdiction against a victim who
67 was under 18 years of age at the time of the offense: s. 787.01,
68 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
69 the offender was not the victim's parent or guardian; s.
70 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
71 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
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72 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
73 847.0145; s. 985.701(1); or any similar offense committed in
74 this state which has been redesignated from a former statute
75 number to one of those listed in this subsection, if the person
76 has not received a pardon for any felony or similar law of
77 another jurisdiction necessary for the operation of this
78 subsection and a conviction of a felony or similar law of
79 another jurisdiction necessary for the operation of this
80 subsection has not been set aside in any postconviction
81 proceeding.

82 (2) This section does not apply to a person who has been
83 removed from the requirement to register as a sexual offender or
84 sexual predator pursuant to s. 943.04354.

85 (3) A person described in subsection (1) commits loitering
86 and prowling by a person convicted of a sexual offense against a
87 minor if, in committing loitering and prowling, he or she was
88 within 300 feet of a place where children were congregating.

89 (4) It is unlawful for a person described in subsection
90 (1) to:

91 (a) Knowingly approach, contact, or communicate with a
92 child under 18 years of age in any public park building or on
93 real property comprising any public park or playground with the
94 intent to engage in conduct of a sexual nature or to make a
95 communication of any type with any content of a sexual nature.
96 This paragraph applies only to a person described in subsection
97 (1) whose offense was committed on or after the effective date
98 of this act.

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99 (b)1. Knowingly be present in any child care facility or
100 school containing any students in prekindergarten through grade
101 12 or on real property comprising any child care facility or
102 school containing any students in prekindergarten through grade
103 12 when the child care facility or school is in operation unless
104 the person had previously provided written notification of his
105 or her intent to be present to the school board, superintendent,
106 principal, or child care facility owner;

107 2. Fail to notify the child care facility owner or the
108 school principal's office when he or she arrives and departs the
109 child care facility or school; or

110 3. Fail to remain under direct supervision of a school
111 official or designated chaperone when present in the vicinity of
112 children. As used in this paragraph, the term "school official"
113 means a principal, a school resource officer, a teacher or any
114 other employee of the school, the superintendent of schools, a
115 member of the school board, a child care facility owner, or a
116 child care provider.

117 (c) A person is not in violation of paragraph (b) if:

118 1. The child care facility or school is a voting location
119 and the person is present for the purpose of voting during the
120 hours designated for voting; or

121 2. The person is only dropping off or picking up his or
122 her own children or grandchildren at the child care facility or
123 school.

124 (5) Any person who violates this section commits a
125 misdemeanor of the first degree, punishable as provided in s.
126 775.082 or s. 775.083.

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

Remove lines 2-7 and insert:
An act relating to sexual offenses; amending ss. 95.11 and 775.15, F.S.; eliminating statutes of limitations to the institution of criminal or civil actions relating to sexual battery of a child if the victim is under 16 years of age at the time of the offense; providing applicability; transferring, renumbering, and amending s. 794.065, 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; creating s. 856.022, F.S.; prohibiting loitering or prowling by certain offenders within a specified distance of places where children were congregating; prohibiting certain actions toward a child at a public park or playground by certain offenders; prohibiting the presence of certain offenders at or on real property comprising a child care facility or prekindergarten through grade 12 school without notice and supervision; providing exceptions; providing penalties; providing an effective