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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/03/2016 11:07 AM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete lines 732 - 784

and insert:

Section 2. Subsections (1) and (4) of section 856.022, Florida Statutes, are amended, and subsections (2) and (3) of that section are republished, to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting,



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12 soliciting, or conspiring to commit, any of the criminal
13 offenses proscribed in the following statutes in this state or
14 similar offenses in another jurisdiction against a victim who
15 was under 18 years of age at the time of the offense: s. 787.01,
16 s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and~~
17 ~~the offender was not the victim's parent or guardian~~; s.
18 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
19 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
20 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
21 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
22 similar offense committed in this state which has been
23 redesignated from a former statute number to one of those listed
24 in this subsection, if the person has not received a pardon for
25 any felony or similar law of another jurisdiction necessary for
26 the operation of this subsection and a conviction of a felony or
27 similar law of another jurisdiction necessary for the operation
28 of this subsection has not been set aside in any postconviction
29 proceeding.

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

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

37 (4) (a) It is unlawful for a person described in subsection
38 (1) to:

39 ~~(a)~~ knowingly approach, contact, or communicate with a
40 child under 18 years of age in any public park building or on



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41 real property comprising any public park or playground with the
42 intent to engage in conduct of a sexual nature or to make a
43 communication of any type with any content of a sexual nature.
44 This paragraph applies only to a person described in subsection
45 (1) whose offense was committed on or after May 26, 2010.

46 (b)1. It is unlawful for a person described in subsection
47 (1) to knowingly be present in any child care facility or school
48 containing any students in prekindergarten through grade 12 or
49 on real property comprising any child care facility or school
50 containing any students in prekindergarten through grade 12 when
51 the child care facility or school is in operation if such person
52 fails to:

53 1. Provide unless the person had previously provided
54 written notification of his or her intent to be present to the
55 school board, superintendent, principal, or child care facility
56 owner;

57 2. Fail to Notify the child care facility owner or the
58 school principal's office when he or she arrives and departs the
59 child care facility or school; or

60 3. Fail to Remain under direct supervision of a school
61

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

63 And the title is amended as follows:

64 Between lines 16 and 17

65 insert:

66 making technical changes;