

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Glorioso offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 898 and 899, insert:

5 Section 6. Section 943.04354, Florida Statutes, is amended
6 to read:

7 943.04354 Removal of the requirement to register as a
8 sexual offender or sexual predator in special circumstances.—

9 (1) For purposes of this section, a person shall be
10 considered for removal of the requirement to register as a
11 sexual offender or sexual predator only if the person:

12 (a) Was or will be convicted or adjudicated delinquent of
13 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
14 847.0135(5) or the person committed a violation of s. 794.011,
15 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
16 of guilt was or will be withheld, and the person does not have
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17 any other conviction, adjudication of delinquency, or withhold
18 of adjudication of guilt for a violation of s. 794.011, s.
19 800.04, s. 827.071, or s. 847.0135(5);

20 (b) Is required to register as a sexual offender or sexual
21 predator solely on the basis of this violation; and

22 (c) Is not more than 4 years older than the victim of this
23 violation who was 14 years of age or older but not more than 17
24 years of age at the time the person committed this violation.

25 (2) If a person meets the criteria in subsection (1) and
26 the violation of s. 794.011, s. 800.04, s. 827.071, or s.
27 847.0135(5) was committed on or after July 1, 2007, the person
28 may move the court that will sentence or dispose of this
29 violation to remove the requirement that the person register as
30 a sexual offender or sexual predator. The person must allege in
31 the motion that he or she meets the criteria in subsection (1)
32 and that removal of the registration requirement will not
33 conflict with federal law. The state attorney must be given
34 notice of the motion at least 21 days before the date of
35 sentencing or disposition of this violation and may present
36 evidence in opposition to the requested relief or may otherwise
37 demonstrate why the motion should be denied. At sentencing or
38 disposition of this violation, the court shall rule on this
39 motion and, if the court determines the person meets the
40 criteria in subsection (1) and the removal of the registration
41 requirement will not conflict with federal law, it may grant the
42 motion and order the removal of the registration requirement. If
43 the court denies the motion, the person is not authorized under

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44 this section to petition for removal of the registration
45 requirement.

46 (3) (a) This subsection applies to a person who:

47 1. Is not a person described in subsection (2) because the
48 violation of s. 794.011, ~~or~~ s. 800.04, or s. 827.071 was not
49 committed on or after July 1, 2007;

50 2. Is subject to registration as a sexual offender or
51 sexual predator for a violation of s. 794.011, ~~or~~ s. 800.04, or
52 s. 827.071; and

53 3. Meets the criteria in subsection (1).

54 (b) A person may petition the court in which the sentence
55 or disposition for the violation of s. 794.011, ~~or~~ s. 800.04, or
56 s. 827.071 occurred for removal of the requirement to register
57 as a sexual offender or sexual predator. The person must allege
58 in the petition that he or she meets the criteria in subsection
59 (1) and removal of the registration requirement will not
60 conflict with federal law. The state attorney must be given
61 notice of the petition at least 21 days before the hearing on
62 the petition and may present evidence in opposition to the
63 requested relief or may otherwise demonstrate why the petition
64 should be denied. The court shall rule on the petition and, if
65 the court determines the person meets the criteria in subsection
66 (1) and removal of the registration requirement will not
67 conflict with federal law, it may grant the petition and order
68 the removal of the registration requirement. If the court denies
69 the petition, the person is not authorized under this section to
70 file any further petition for removal of the registration
71 requirement.

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72 (4) If a person provides to the Department of Law
73 Enforcement a certified copy of the court's order removing the
74 requirement that the person register as a sexual offender or
75 sexual predator for the violation of s. 794.011, s. 800.04, s.
76 827.071, or s. 847.0135(5), the registration requirement will
77 not apply to the person and the department shall remove all
78 information about the person from the public registry of sexual
79 offenders and sexual predators maintained by the department.
80 However, the removal of this information from the public
81 registry does not mean that the public is denied access to
82 information about the person's criminal history or record that
83 is otherwise available as a public record.

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

89 Remove line 35 and insert:
90 probation; amending s. 943.04354, F.S.; allowing the
91 removal of the requirement to register as a sexual offender
92 or sexual predator for a violation involving sexual
93 performance by a child in special circumstances; amending
94 s. 944.606, F.S.; revising address