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LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/29/2010 11:00 AM

Senators Crist and Aronberg moved the following:

Senate Amendment (with title amendment)

Between lines 873 and 874

insert:

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

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

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

(a) Was or will be convicted or adjudicated delinquent of a



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14 violation of s. 794.011, s. 800.04, s. 827.071, or s.
15 847.0135(5) or the person committed a violation of s. 794.011,
16 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
17 of guilt was or will be withheld, and the person does not have
18 any other conviction, adjudication of delinquency, or withhold
19 of adjudication of guilt for a violation of s. 794.011, s.
20 800.04, s. 827.071, or s. 847.0135(5);

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

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

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



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43 motion and order the removal of the registration requirement. If
44 the court denies the motion, the person is not authorized under
45 this section to petition for removal of the registration
46 requirement.

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

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

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

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

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



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72 requirement.

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

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88
89 Delete line 39
90 and insert:

91
92 placed on misdemeanor probation; amending s.
93 943.04354, F.S.; allowing the removal of the
94 requirement to register as a sexual offender or sexual
95 predator for a violation involving sexual performance
96 by a child in special circumstances; amending s.
97 944.606,