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LEGISLATIVE ACTION

Senate

.

House

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Floor: 3/AD/2R

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03/04/2014 02:47 PM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Between lines 1015 and 1016

insert:

Section 10. Paragraph (a) of subsection (1), paragraph (a) of subsection (11), and paragraph (b) of subsection (14) of section 943.0435, Florida Statutes, is amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(1) As used in this section, the term:

(a)1. "Sexual offender" means a person who meets the



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12 criteria in sub-subparagraph a., sub-subparagraph b., sub-
13 subparagraph c., or sub-subparagraph d., as follows:

14 a.(I) Has been convicted of committing, or attempting,
15 soliciting, or conspiring to commit, any of the criminal
16 offenses proscribed in the following statutes in this state or
17 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
18 or s. 787.025(2)(c), where the victim is a minor and the
19 defendant is not the victim's parent or guardian; s.
20 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
21 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
22 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
23 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
24 or s. 985.701(1); or any similar offense committed in this state
25 which has been redesignated from a former statute number to one
26 of those listed in this sub-sub-subparagraph; and

27 (II) Has been released on or after October 1, 1997, from
28 the sanction imposed for any conviction of an offense described
29 in sub-sub-subparagraph (I). For purposes of sub-sub-
30 subparagraph (I), a sanction imposed in this state or in any
31 other jurisdiction includes, but is not limited to, a fine,
32 probation, community control, parole, conditional release,
33 control release, or incarceration in a state prison, federal
34 prison, private correctional facility, or local detention
35 facility;

36 b. Establishes or maintains a residence in this state and
37 who has not been designated as a sexual predator by a court of
38 this state but who has been designated as a sexual predator, as
39 a sexually violent predator, or by another sexual offender
40 designation in another state or jurisdiction and was, as a



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41 result of such designation, subjected to registration or
42 community or public notification, or both, or would be if the
43 person were a resident of that state or jurisdiction, without
44 regard to whether the person otherwise meets the criteria for
45 registration as a sexual offender;

46 c. Establishes or maintains a residence in this state who
47 is in the custody or control of, or under the supervision of,
48 any other state or jurisdiction as a result of a conviction for
49 committing, or attempting, soliciting, or conspiring to commit,
50 any of the criminal offenses proscribed in the following
51 statutes or similar offense in another jurisdiction: s. 787.01,
52 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
53 the defendant is not the victim's parent or guardian; s.
54 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
55 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
56 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
57 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
58 or s. 985.701(1); or any similar offense committed in this state
59 which has been redesignated from a former statute number to one
60 of those listed in this sub-subparagraph; or

61 d. On or after July 1, 2007, has been adjudicated
62 delinquent for committing, or attempting, soliciting, or
63 conspiring to commit, any of the criminal offenses proscribed in
64 the following statutes in this state or similar offenses in
65 another jurisdiction when the juvenile was 14 years of age or
66 older at the time of the offense:

67 (I) Section 794.011, excluding s. 794.011(10);

68 (II) Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim
69 is under 12 years of age or where the court finds sexual



70 activity by the use of force or coercion;
71 (III) Section 800.04(5)(c)1. where the court finds
72 molestation involving unclothed genitals; or
73 (IV) Section 800.04(5)(d) where the court finds the use of
74 force or coercion and unclothed genitals.
75 2. For all qualifying offenses listed in sub-subparagraph
76 (1)(a)1.d., the court shall make a written finding of the age of
77 the offender at the time of the offense.
78
79 For each violation of a qualifying offense listed in this
80 subsection, the court shall make a written finding of the age of
81 the victim at the time of the offense. For a violation of s.
82 800.04(4), the court shall additionally make a written finding
83 indicating that the offense did or did not involve sexual
84 activity and indicating that the offense did or did not involve
85 force or coercion. For a violation of s. 800.04(5), the court
86 shall additionally make a written finding that the offense did
87 or did not involve unclothed genitals or genital area and that
88 the offense did or did not involve the use of force or coercion.
89 (11) Except as provided in s. 943.04354, a sexual offender
90 must maintain registration with the department for the duration
91 of his or her life, unless the sexual offender has received a
92 full pardon or has had a conviction set aside in a
93 postconviction proceeding for any offense that meets the
94 criteria for classifying the person as a sexual offender for
95 purposes of registration. However, a sexual offender:
96 (a)1. Who has been lawfully released from confinement,
97 supervision, or sanction, whichever is later, for at least 25
98 years and has not been arrested for any felony or misdemeanor



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99 offense since release, provided that the sexual offender's
100 requirement to register was not based upon an adult conviction:
101 a. For a violation of s. 787.01 or s. 787.02;
102 b. For a violation of s. 794.011, excluding s. 794.011(10);
103 c. For a violation of 800.04(4)(a)2. ~~s. 800.04(4)(b)~~ where
104 the court finds the offense involved a victim under 12 years of
105 age or sexual activity by the use of force or coercion;
106 d. For a violation of s. 800.04(5)(b);
107 e. For a violation of s. 800.04(5)c.2. where the court
108 finds the offense involved unclothed genitals or genital area;
109 f. For any attempt or conspiracy to commit any such
110 offense; or
111 g. For a violation of similar law of another jurisdiction,
112
113 may petition the criminal division of the circuit court of the
114 circuit in which the sexual offender resides for the purpose of
115 removing the requirement for registration as a sexual offender.
116 2. The court may grant or deny relief if the offender
117 demonstrates to the court that he or she has not been arrested
118 for any crime since release; the requested relief complies with
119 the provisions of the federal Adam Walsh Child Protection and
120 Safety Act of 2006 and any other federal standards applicable to
121 the removal of registration requirements for a sexual offender
122 or required to be met as a condition for the receipt of federal
123 funds by the state; and the court is otherwise satisfied that
124 the offender is not a current or potential threat to public
125 safety. The state attorney in the circuit in which the petition
126 is filed must be given notice of the petition at least 3 weeks
127 before the hearing on the matter. The state attorney may present



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128 evidence in opposition to the requested relief or may otherwise
129 demonstrate the reasons why the petition should be denied. If
130 the court denies the petition, the court may set a future date
131 at which the sexual offender may again petition the court for
132 relief, subject to the standards for relief provided in this
133 subsection.

134 3. The department shall remove an offender from
135 classification as a sexual offender for purposes of registration
136 if the offender provides to the department a certified copy of
137 the court's written findings or order that indicates that the
138 offender is no longer required to comply with the requirements
139 for registration as a sexual offender.

140 (14)

141 (b) However, a sexual offender who is required to register
142 as a result of a conviction for:

143 1. Section 787.01 or s. 787.02 where the victim is a minor
144 and the offender is not the victim's parent or guardian;

145 2. Section 794.011, excluding s. 794.011(10);

146 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the court
147 finds the offense involved a victim under 12 years of age or
148 sexual activity by the use of force or coercion;

149 4. Section 800.04(5)(b);

150 5. Section 800.04(5)(c)1. where the court finds molestation
151 involving unclothed genitals or genital area;

152 6. Section 800.04(5)c.2. where the court finds molestation
153 involving unclothed genitals or genital area;

154 7. Section 800.04(5)(d) where the court finds the use of
155 force or coercion and unclothed genitals or genital area;

156 8. Any attempt or conspiracy to commit such offense; or



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157 9. A violation of a similar law of another jurisdiction,
158
159 must reregister each year during the month of the sexual
160 offender's birthday and every third month thereafter.

161 Section 11. Paragraph (b) of subsection (13) of section
162 944.607, Florida Statutes, is amended to read:

163 944.607 Notification to Department of Law Enforcement of
164 information on sexual offenders.—

165 (13)

166 (b) However, a sexual offender who is required to register
167 as a result of a conviction for:

168 1. Section 787.01 or s. 787.02 where the victim is a minor
169 and the offender is not the victim's parent or guardian;

170 2. Section 794.011, excluding s. 794.011(10);

171 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim is
172 under 12 years of age or where the court finds sexual activity
173 by the use of force or coercion;

174 4. Section 800.04(5)(b);

175 5. Section 800.04(5)(c)1. where the court finds molestation
176 involving unclothed genitals or genital area;

177 6. Section 800.04(5)c.2. where the court finds molestation
178 involving unclothed genitals or genital area;

179 7. Section 800.04(5)(d) where the court finds the use of
180 force or coercion and unclothed genitals or genital area;

181 8. Any attempt or conspiracy to commit such offense; or

182 9. A violation of a similar law of another jurisdiction,
183

184 must reregister each year during the month of the sexual
185 offender's birthday and every third month thereafter.



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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 36

and insert:

certain circumstances; amending s. 943.0435 and
944.607, F.S.; conforming provisions to changes made
by the act; amending s. 944.275, F.S.;