

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Judiciary Committee
2 Representative Gaetz offered the following:

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

5 Between lines 1018 and 1019, insert:

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

9 943.0435 Sexual offenders required to register with the
10 department; penalty.—

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

12 (a)1. "Sexual offender" means a person who meets the
13 criteria in sub-subparagraph a., sub-subparagraph b., sub-
14 subparagraph c., or sub-subparagraph d., as follows:

15 a.(I) Has been convicted of committing, or attempting,
16 soliciting, or conspiring to commit, any of the criminal
17 offenses proscribed in the following statutes in this state or

PCS for HB 7027 a2

Published On: 2/28/2014 5:23:35 PM

Amendment No. 2

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

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

37 b. Establishes or maintains a residence in this state and
38 who has not been designated as a sexual predator by a court of
39 this state but who has been designated as a sexual predator, as
40 a sexually violent predator, or by another sexual offender
41 designation in another state or jurisdiction and was, as a
42 result of such designation, subjected to registration or
43 community or public notification, or both, or would be if the

PCS for HB 7027 a2

Published On: 2/28/2014 5:23:35 PM

Amendment No. 2

44 person were a resident of that state or jurisdiction, without
45 regard to whether the person otherwise meets the criteria for
46 registration as a sexual offender;

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

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

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

Amendment No. 2

69 (II) Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim
70 is under 12 years of age or where the court finds sexual
71 activity by the use of force or coercion;

72 (III) Section 800.04(5)(c)1. where the court finds
73 molestation involving unclothed genitals; or

74 (IV) Section 800.04(5)(d) where the court finds the use of
75 force or coercion and unclothed genitals.

76 2. For all qualifying offenses listed in sub-subparagraph
77 (1)(a)1.d., the court shall make a written finding of the age of
78 the offender at the time of the offense.

79

80 For each violation of a qualifying offense listed in this
81 subsection, the court shall make a written finding of the age of
82 the victim at the time of the offense. For a violation of s.
83 800.04(4), the court shall additionally make a written finding
84 indicating that the offense did or did not involve sexual
85 activity and indicating that the offense did or did not involve
86 force or coercion. For a violation of s. 800.04(5), the court
87 shall additionally make a written finding that the offense did
88 or did not involve unclothed genitals or genital area and that
89 the offense did or did not involve the use of force or coercion.

90 (11) Except as provided in s. 943.04354, a sexual offender
91 must maintain registration with the department for the duration
92 of his or her life, unless the sexual offender has received a
93 full pardon or has had a conviction set aside in a
94 postconviction proceeding for any offense that meets the

Amendment No. 2

95 criteria for classifying the person as a sexual offender for
96 purposes of registration. However, a sexual offender:

97 (a)1. Who has been lawfully released from confinement,
98 supervision, or sanction, whichever is later, for at least 25
99 years and has not been arrested for any felony or misdemeanor
100 offense since release, provided that the sexual offender's
101 requirement to register was not based upon an adult conviction:

102 a. For a violation of s. 787.01 or s. 787.02;

103 b. For a violation of s. 794.011, excluding s.
104 794.011(10);

105 c. For a violation of 800.04(4)(a)2. ~~s. 800.04(4)(b)~~ where
106 the court finds the offense involved a victim under 12 years of
107 age or sexual activity by the use of force or coercion;

108 d. For a violation of s. 800.04(5)(b);

109 e. For a violation of s. 800.04(5)c.2. where the court
110 finds the offense involved unclothed genitals or genital area;

111 f. For any attempt or conspiracy to commit any such
112 offense; or

113 g. For a violation of similar law of another jurisdiction,
114
115 may petition the criminal division of the circuit court of the
116 circuit in which the sexual offender resides for the purpose of
117 removing the requirement for registration as a sexual offender.

118 2. The court may grant or deny relief if the offender
119 demonstrates to the court that he or she has not been arrested
120 for any crime since release; the requested relief complies with

PCS for HB 7027 a2

Published On: 2/28/2014 5:23:35 PM

Amendment No. 2

121 the provisions of the federal Adam Walsh Child Protection and
122 Safety Act of 2006 and any other federal standards applicable to
123 the removal of registration requirements for a sexual offender
124 or required to be met as a condition for the receipt of federal
125 funds by the state; and the court is otherwise satisfied that
126 the offender is not a current or potential threat to public
127 safety. The state attorney in the circuit in which the petition
128 is filed must be given notice of the petition at least 3 weeks
129 before the hearing on the matter. The state attorney may present
130 evidence in opposition to the requested relief or may otherwise
131 demonstrate the reasons why the petition should be denied. If
132 the court denies the petition, the court may set a future date
133 at which the sexual offender may again petition the court for
134 relief, subject to the standards for relief provided in this
135 subsection.

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

142 (14)

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

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

PCS for HB 7027 a2

Published On: 2/28/2014 5:23:35 PM

Amendment No. 2

- 147 2. Section 794.011, excluding s. 794.011(10);
- 148 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the court
- 149 finds the offense involved a victim under 12 years of age or
- 150 sexual activity by the use of force or coercion;
- 151 4. Section 800.04(5)(b);
- 152 5. Section 800.04(5)(c)1. where the court finds
- 153 molestation involving unclothed genitals or genital area;
- 154 6. Section 800.04(5)c.2. where the court finds molestation
- 155 involving unclothed genitals or genital area;
- 156 7. Section 800.04(5)(d) where the court finds the use of
- 157 force or coercion and unclothed genitals or genital area;
- 158 8. Any attempt or conspiracy to commit such offense; or
- 159 9. A violation of a similar law of another jurisdiction,
- 160
- 161 must reregister each year during the month of the sexual
- 162 offender's birthday and every third month thereafter.
- 163 Section 11. Paragraph (b) of subsection (13) of section
- 164 944.607, Florida Statutes, is amended to read:
- 165 944.607 Notification to Department of Law Enforcement of
- 166 information on sexual offenders.—
- 167 (13)
- 168 (b) However, a sexual offender who is required to register
- 169 as a result of a conviction for:
- 170 1. Section 787.01 or s. 787.02 where the victim is a minor
- 171 and the offender is not the victim's parent or guardian;
- 172 2. Section 794.011, excluding s. 794.011(10);

PCS for HB 7027 a2

Published On: 2/28/2014 5:23:35 PM

Amendment No. 2

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

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

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

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

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

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

184 9. A violation of a similar law of another jurisdiction,

185

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

188

189

190

191

192

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

193

Remove line 36 and insert:

194

certain circumstances; amending s. 943.0435 and 944.607, F.S.;

195

conforming provisions to changes made by the act; amending s.

196

944.275, F.S.;

197