

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

EUGENE K. HORTON, III,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D13-712

Opinion filed November 27, 2013.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for Polk
County; John Mark Radabaugh, Judge.

Eugene K. Horton, III, pro se.

MORRIS, Judge.

Eugene K. Horton, III, appeals the dismissal of his petition for removal of the requirement to register as a sexual offender under the "Romeo and Juliet Law." See § 943.04354, Fla. Stat. (2013). We affirm the trial court's dismissal of Mr. Horton's petition as facially insufficient because Mr. Horton failed to allege that removal of the registration requirement would not conflict with federal law. See § 943.04354(3)(b). However, we note that since the trial court dismissed the petition for facial insufficiency rather than denying it on the merits, Mr. Horton is not barred from filing a facially sufficient petition. Cf. id. ("If the court *denies* the petition, the person is not authorized

under this section to file any further petition for removal of the registration requirement."
(emphasis added)).

Affirmed.

KELLY and BLACK, JJ., Concur.