

By the Committee on Crime & Punishment and Representatives
Fasano and Effman

1 A bill to be entitled
2 An act relating to sexual predator
3 registration; amending s. 775.21, F.S.;
4 revising an exception to sexual predator
5 registration requirements; revising the
6 conditions for removal of sexual predator
7 designation by the court; requiring filing of
8 the petition for removal in the circuit of the
9 sexual predator's residence; extending from 10
10 years to 20 years the minimum period following
11 the sexual predator's release during which the
12 predator may not have been arrested before
13 petitioning the court to remove the sexual
14 predator designation; requiring the petitioner
15 to make certain demonstrations to the court
16 with respect to lack of arrest and compliance
17 with federal standards for removal of
18 designation as a predator; permitting the
19 removal of designation only when the court is
20 satisfied the petitioner is not a threat to the
21 public safety; requiring specified notice of
22 hearing on the petition to the state attorney
23 in the circuit where filed; allowing the state
24 attorney to present evidence in opposition to
25 the petition; allowing the court to establish
26 date for rehearing of petition, if denied;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (g) of subsection (6) of section
2 775.21, Florida Statutes, is amended to read:

3 775.21 The Florida Sexual Predators Act; definitions;
4 legislative findings, purpose, and intent; criteria;
5 designation; registration; community and public notification;
6 immunity; penalties.--

7 (6) REGISTRATION.--

8 (g) A sexual predator must maintain registration with
9 the department for the duration of his or her life, unless the
10 sexual predator has had his or her civil rights restored, or
11 has received a full pardon or has had a conviction set aside
12 in a postconviction proceeding for any felony sex offense that
13 met the criteria for the sexual predator designation. However,
14 a sexual predator who has been lawfully released from
15 confinement, supervision, or sanction, whichever is later, for
16 at least 20 ~~10~~ years and has not been arrested for any felony
17 or misdemeanor offense since release, may petition the
18 criminal division of the circuit court in the circuit in which
19 the sexual predator resides for the purpose of removing the
20 sexual predator designation. The court has the discretion to
21 grant or deny such relief on condition that the petitioner
22 demonstrates to the court that the petitioner has not been
23 arrested for any felony or misdemeanor offense since release
24 and that the requested relief is in compliance with federal
25 standards applicable to the removal of the designation as a
26 predator, and on condition that the court is otherwise
27 satisfied that the petitioner is not a current or potential
28 threat to the public safety. The state attorney in the
29 circuit in which the petition is filed must receive notice of
30 the petition no less than 3 weeks prior to a hearing on the
31 matter and may present evidence opposed to the requested

1 relief or may otherwise demonstrate why the petition should be
2 denied. If a court denies the petition, it may establish a
3 future date at which the sexual predator may again petition
4 the court for relief, subject to the same conditions and
5 standards for relief as provided for in this paragraph.

6 Section 2. This act shall take effect July 1 of the
7 year in which enacted.

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