

By the Committee on Criminal Justice and Senators Grant,
Brown-Waite, Cowin and Casas

307-1629-98

1 A bill to be entitled
2 An act relating to sexual predators; amending
3 s. 775.21, F.S.; revising the period of time
4 after which a sexual predator may petition the
5 court for removal of such designation;
6 requiring that the court make certain
7 determinations following a petition to remove
8 an offender's designation as a sexual predator;
9 requiring that the state attorney be given
10 notice of such petition; authorizing the state
11 attorney to present evidence at the hearing on
12 the petition; authorizing the court to allow a
13 sexual predator to petition the court at a
14 future date; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (g) of subsection (6) of section
19 775.21, Florida Statutes, is amended to read:

20 775.21 The Florida Sexual Predators Act; definitions;
21 legislative findings, purpose, and intent; criteria;
22 designation; registration; community and public notification;
23 immunity; penalties.--

24 (6) REGISTRATION.--

25 (g) A sexual predator must maintain registration with
26 the department for the duration of his or her life, unless the
27 sexual predator has had his or her civil rights restored, or
28 has received a full pardon or has had a conviction set aside
29 in a postconviction proceeding for any felony sex offense that
30 met the criteria for the sexual predator designation. However,
31 a sexual predator who was designated a sexual predator by a

1 court before July 1, 1998, and who has been lawfully released
2 from confinement, supervision, or sanction, whichever is
3 later, for at least 10 years and has not been arrested for any
4 felony or misdemeanor offense since release, may petition the
5 criminal division of the circuit court in the circuit in which
6 the sexual predator resides for the purpose of removing the
7 sexual predator designation. A sexual predator who was
8 designated a sexual predator by a court on or after July 1,
9 1998, who has been lawfully released from confinement,
10 supervision, or sanction, whichever is later, for a least 20
11 years, and who has not been arrested for any felony or
12 misdemeanor offense since release may petition the criminal
13 division of the circuit court in the circuit in which the
14 sexual predator resides for the purpose of removing the sexual
15 predator designation. The court may ~~has the discretion to~~
16 grant ~~or deny~~ such relief if the petitioner demonstrates to
17 the court that he or she has not been arrested for any felony
18 or misdemeanor offense since release, the requested relief
19 complies with federal standards applicable to the removal of
20 the designation as a sexual predator, and the court is
21 otherwise satisfied that the petitioner is not a current or
22 potential threat to public safety. The state attorney in the
23 circuit in which the petition is filed must be given notice of
24 the petition at least 3 weeks before the hearing on the
25 matter. The state attorney may present evidence in opposition
26 to the requested relief or may otherwise demonstrate why the
27 petition should be denied. If the court denies the petition,
28 the court may set a future date at which the sexual predator
29 may again petition the court for relief, subject to the
30 standards for relief provided in this paragraph.

31 Section 2. This act shall take effect July 1, 1998.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 514

- . Deletes the provision that would not allow a sexual predator to petition a court to possibly remove the predator designation 10 years after release.
- . Maintains the opportunity to petition the court for removal of the predator designation after 10 years, under certain circumstances, for offenders who were designated sexual predators before July 1, 1998.
- . Extends the time period that must pass, from 10 years to 20 years, before sexual predators may petition the court for removal of the designation if the sexual predators were so designated on or after July 1, 1998.
- . Clarifies where a sexual predator must file his or her petition, the criteria that must be demonstrated to the court, and the notice of the hearing that must be provided to the state attorney.