

Bill No. CS for SB's 1400 & 1224

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

5			
6			
7			
8			
9			

---

11 Senator Diaz-Balart moved the following amendment:

12

13 **Senate Amendment**

14 On page 34, line 10, through  
15 page 35, line 23, delete those lines

16

17 and insert:

18 (11) A sexual offender must maintain registration with  
19 the department for the duration of his or her life, unless the  
20 sexual offender ~~has had his or her civil rights restored or~~  
21 has received a full pardon or has had a conviction set aside  
22 in a postconviction proceeding for any ~~felony sex~~ offense that  
23 meets the criteria for classifying the person as a sexual  
24 offender for purposes of registration. However, a sexual  
25 offender who has been lawfully released from confinement,  
26 supervision, or sanction, whichever is later, for at least 20  
27 years and has not been arrested for any felony or misdemeanor  
28 offense since release may petition the criminal division of  
29 the circuit court of the circuit in which the sexual offender  
30 resides for the purpose of removing the requirement for  
31 registration as a sexual offender. The court may grant or deny

Bill No. CS for SB's 1400 & 1224

Amendment No. \_\_\_\_

1 such relief if the offender demonstrates to the court that he  
2 or she has not been arrested for any crime since release, the  
3 requested relief complies with the provisions of the federal  
4 Jacob Wetterling Act, as amended, and any other federal  
5 standards applicable to the removal of registration  
6 requirements for a sexual offender or required to be met as a  
7 condition for the receipt of federal funds by the state, and  
8 the court is otherwise satisfied that the offender is not a  
9 current or potential threat to public safety. The state  
10 attorney in the circuit in which the petition is filed must be  
11 given notice of the petition at least 3 weeks before the  
12 hearing on the matter. The state attorney may present evidence  
13 in opposition to the requested relief or may otherwise  
14 demonstrate the reasons why the petition should be denied. If  
15 the court denies the petition, the court may set a future date  
16 at which the sexual offender may again petition the court for  
17 relief, subject to the standards for relief provided in this  
18 subsection. The department shall remove an offender from  
19 classification as a sexual offender for purposes of  
20 registration if the offender provides to the department a  
21 certified copy of the court's written findings or order that  
22 indicates that the offender is no longer required to comply  
23 with the requirements for registration as a sexual offender.

24 Section 4. Effective October 1, 2000, subsection (11)  
25 of section 943.0435, Florida Statutes, as amended by this act,  
26 is amended to read:

27 943.0435 Sexual offenders required to register with  
28 the department; penalty.--

29 (11) A sexual offender must maintain registration with  
30 the department for the duration of his or her life, unless the  
31 sexual offender has received a full pardon or has had a

Bill No. CS for SB's 1400 & 1224

Amendment No. \_\_\_\_

1 conviction set aside in a postconviction proceeding for any  
2 offense that meets the criteria for classifying the person as  
3 a sexual offender for purposes of registration. However, a  
4 sexual offender:

5 (a) Who has been lawfully released from confinement,  
6 supervision, or sanction, whichever is later, for at least 20  
7 years and has not been arrested for any felony or misdemeanor  
8 offense since release; or

9 (b) Who was 18 years of age or under at the time the  
10 offense was committed and adjudication was withheld for that  
11 offense, who has had 10 years elapse since having been placed  
12 on probation, and who has not been arrested for any felony or  
13 misdemeanor offense since release

14  
15 may petition the criminal division of the circuit court of the  
16 circuit in which the sexual offender resides for the purpose  
17 of removing the requirement for registration as a sexual  
18 offender. The court may grant or deny such relief if the  
19 offender demonstrates to the court that he or she has not been  
20 arrested for any crime since release, the requested relief  
21 complies with the provisions of the federal Jacob Wetterling  
22 Act, as amended, and any other federal standards applicable to  
23 the removal of registration requirements for a sexual offender  
24 or required to be met as a condition for the receipt of  
25 federal funds by the state, and the court is otherwise  
26 satisfied that the offender is not a current or potential  
27 threat to public safety. The state attorney in the circuit in  
28 which the petition is filed must be given notice of the  
29 petition at least 3 weeks before the hearing on the matter.  
30 The state attorney may present evidence in opposition to the  
31 requested relief or may otherwise demonstrate the reasons why

Bill No. CS for SB's 1400 & 1224

Amendment No. \_\_\_\_

1 the petition should be denied. If the court denies the  
2 petition, the court may set a future date at which the sexual  
3 offender may again petition the court for relief, subject to  
4 the standards for relief provided in this subsection. The  
5 department shall remove an offender from classification as a  
6 sexual offender for purposes of registration if the offender  
7 provides to the department a certified copy of the court's  
8 written findings or order that indicates that the offender is  
9 no longer required to comply with the requirements for  
10 registration as a sexual offender.

11

12 (Redesignate subsequent sections.)

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31