

Bill No. CS for SB's 1400 & 1224

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Diaz-Balart moved the following amendment:		
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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 had his or her civil rights restored or~~

Bill No. CS for SB's 1400 & 1224

Amendment No. ____

1 has received a full pardon or has had a conviction set aside
2 in a postconviction proceeding for any ~~felony sex~~ offense that
3 meets the criteria for classifying the person as a sexual
4 offender for purposes of registration. However, a sexual
5 offender:

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

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

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

Bill No. CS for SB's 1400 & 1224

Amendment No. ____

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

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13 (Redesignate subsequent sections.)

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