

By Senator Villalobos

38-807-03

See HB 5

1 A bill to be entitled
2 An act relating to sexual offenders; amending
3 s. 943.0435, F.S.; permitting a judge presiding
4 in a case in which certain minors are convicted
5 of sexual battery or other sexual offenses to
6 place the name of the convicted minor on the
7 list of persons required to be registered with
8 the Department of Law Enforcement as a sexual
9 offender when the minor reaches a certain age;
10 providing a penalty; providing an effective
11 date.

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

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15 Section 1. Subsection (11) of section 943.0435,
16 Florida Statutes, is amended to read:

17 943.0435 Sexual offenders required to register with
18 the department; penalty.--

19 (11) A sexual offender must maintain registration with
20 the department for the duration of his or her life, unless the
21 sexual offender has received a full pardon or has had a
22 conviction set aside in a postconviction proceeding for any
23 offense that meets the criteria for classifying the person as
24 a sexual offender for purposes of registration. However, a
25 sexual offender:

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

30 (b) Who was 18 years of age or under at the time the
31 offense was committed and the victim was 12 years of age or

1 older and adjudication was withheld for that offense, who is
2 released from all sanctions, who has had 10 years elapse since
3 having been placed on probation, and who has not been arrested
4 for any felony or misdemeanor offense since the date of
5 conviction of the qualifying offense
6
7 may petition the criminal division of the circuit court of the
8 circuit in which the sexual offender resides for the purpose
9 of removing the requirement for registration as a sexual
10 offender. The court may grant or deny such relief if the
11 offender demonstrates to the court that he or she has not been
12 arrested for any crime since release; the requested relief
13 complies with the provisions of the federal Jacob Wetterling
14 Act, as amended, and any other federal standards applicable to
15 the removal of registration requirements for a sexual offender
16 or required to be met as a condition for the receipt of
17 federal funds by the state; and the court is otherwise
18 satisfied that the offender is not a current or potential
19 threat to public safety. The state attorney in the circuit in
20 which the petition is filed must be given notice of the
21 petition at least 3 weeks before the hearing on the matter.
22 The state attorney may present evidence in opposition to the
23 requested relief or may otherwise demonstrate the reasons why
24 the petition should be denied. If the court denies the
25 petition, the court may set a future date at which the sexual
26 offender may again petition the court for relief, subject to
27 the standards for relief provided in this subsection. The
28 department shall remove an offender from classification as a
29 sexual offender for purposes of registration if the offender
30 provides to the department a certified copy of the court's
31 written findings or order that indicates that the offender is

1 no longer required to comply with the requirements for
2 registration as a sexual offender. A judge who presides over a
3 case in which the convicted offender was under 18 years of age
4 at the time of the offense may require that the minor who is
5 convicted of sexual battery or other sexual offense be
6 registered pursuant to this section and have his or her name
7 included on the list of sexual offenders when the convicted
8 offender reaches age 18.

9 (c) As defined in subparagraph (1)(a)3. must maintain
10 registration with the department for the duration of his or
11 her life until the person provides the department with an
12 order issued by the court that designated the person as a
13 sexual predator, as a sexually violent predator, or by another
14 sexual offender designation in the state or jurisdiction in
15 which the order was issued which states that such designation
16 has been removed or demonstrates to the department that such
17 designation, if not imposed by a court, has been removed by
18 operation of law or court order in the state or jurisdiction
19 in which the designation was made, and provided such person no
20 longer meets the criteria for registration as a sexual
21 offender under the laws of this state.

22 Section 2. This act shall take effect July 1, 2003.
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