



HB 0005

2003

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

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

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

15 943.0435 Sexual offenders required to register with the
16 department; penalty.--

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

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

28 (b) Who was 18 years of age or under at the time the
29 offense was committed and the victim was 12 years of age or
30 older and adjudication was withheld for that offense, who is



HB 0005

2003

31 released from all sanctions, who has had 10 years elapse since
32 having been placed on probation, and who has not been arrested
33 for any felony or misdemeanor offense since the date of
34 conviction of the qualifying offense

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36 may petition the criminal division of the circuit court of the
37 circuit in which the sexual offender resides for the purpose of
38 removing the requirement for registration as a sexual offender.
39 The court may grant or deny such relief if the offender
40 demonstrates to the court that he or she has not been arrested
41 for any crime since release; the requested relief complies with
42 the provisions of the federal Jacob Wetterling Act, as amended,
43 and any other federal standards applicable to the removal of
44 registration requirements for a sexual offender or required to
45 be met as a condition for the receipt of federal funds by the
46 state; and the court is otherwise satisfied that the offender is
47 not a current or potential threat to public safety. The state
48 attorney in the circuit in which the petition is filed must be
49 given notice of the petition at least 3 weeks before the hearing
50 on the matter. The state attorney may present evidence in
51 opposition to the requested relief or may otherwise demonstrate
52 the reasons why the petition should be denied. If the court
53 denies the petition, the court may set a future date at which
54 the sexual offender may again petition the court for relief,
55 subject to the standards for relief provided in this subsection.
56 The department shall remove an offender from classification as a
57 sexual offender for purposes of registration if the offender
58 provides to the department a certified copy of the court's
59 written findings or order that indicates that the offender is no
60 longer required to comply with the requirements for registration



HB 0005

2003

61 | as a sexual offender. A judge who presides over a case in which
62 | the convicted offender was under 18 years of age at the time of
63 | the offense may require that the minor who is convicted of
64 | sexual battery or other sexual offense be registered pursuant to
65 | this section and have his or her name included on the list of
66 | sexual offenders when the convicted offender reaches age 18.

67 | (c) As defined in subparagraph (1)(a)3. must maintain
68 | registration with the department for the duration of his or her
69 | life until the person provides the department with an order
70 | issued by the court that designated the person as a sexual
71 | predator, as a sexually violent predator, or by another sexual
72 | offender designation in the state or jurisdiction in which the
73 | order was issued which states that such designation has been
74 | removed or demonstrates to the department that such designation,
75 | if not imposed by a court, has been removed by operation of law
76 | or court order in the state or jurisdiction in which the
77 | designation was made, and provided such person no longer meets
78 | the criteria for registration as a sexual offender under the
79 | laws of this state.

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