

Bill No. SB 1604

Barcode 090528

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Argenziano) recommended the following **amendment to amendment** (963266):

Senate Amendment (with title amendment)

On page 23, between lines 14 and 15,

insert:

Section 3. Section 943.04354, Florida Statutes, is created to read:

943.04354 Removal of the requirement to register as a sexual offender or sexual predator in special circumstances.--

(1) For purposes of this section, a person shall only be considered for removal of the requirement to register as a sexual offender or sexual predator if the person:

(a) Was convicted or adjudicated delinquent of a violation of s. 794.011 or s. 800.04, or the person committed a violation of s. 794.011 or s. 800.04 for which adjudication of guilt was withheld, and the person does not have any other conviction, adjudication of delinquency, or withhold of adjudication of guilt for a violation of s. 794.011 or s. 800.04;

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1 (b) Is required to register as a sexual offender or
2 sexual predator solely on the basis of this violation; and

3 (c) Is not more than 4 years older than the victim of
4 this violation who was 14 years of age or older but not more
5 than 17 years of age at the time the person committed this
6 violation.

7 (2) If a person meets the criteria in subsection (1)
8 and the person's sentence or disposition for the violation of
9 s. 794.011 or s. 800.04 has expired, the person may petition
10 the court in which this sentence or disposition occurred for
11 removal of the requirement to register as a sexual offender or
12 sexual predator. The person must allege in the petition that
13 he or she meets the criteria in subsection (1) and the removal
14 of the registration requirement will not conflict with federal
15 law. The state attorney must be given notice of the petition
16 at least 21 days before the hearing on the petition, and may
17 present evidence in opposition to the requested relief or may
18 otherwise demonstrate why the petition should be denied. The
19 court shall rule on the petition, and if the court determines
20 the person meets the criteria in subsection (1) and the
21 removal of the registration requirement will not conflict with
22 federal law, it may grant the petition and order the removal
23 of the registration requirement. If the court denies the
24 petition, the person is not authorized under this section to
25 file any further petition for removal of the registration
26 requirement.

27 (3) If a person provides to the department a certified
28 copy of the court's order removing the requirement that the
29 person register as a sexual offender or sexual predator for
30 the violation of s. 794.011 or s. 800.04, the registration
31 requirement will not apply to the person and the department

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1 shall remove all information about the person from the public
 2 registry of sexual offenders and sexual predators maintained
 3 by the department. However, the removal of this information
 4 from the public registry does not mean that the public is
 5 denied access to information about the person's criminal
 6 history or record that is otherwise available as a public
 7 record.

8
 9 (Redesignate subsequent sections.)

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 56, line 31, after the semicolon

15

16 insert:

17 creating s. 943.04354, F.S.; allowing certain
 18 sexual predators and sexual offenders to
 19 petition for removal of the registration
 20 requirement after expiration of sentence or
 21 disposition for the sexual offense; providing
 22 that a court may grant the petition if certain
 23 criteria are met and removal of the
 24 registration requirement will not conflict with
 25 federal law;

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