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Effective: July 1, 2007

West's Florida Statutes Annotated Currentness

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Annos)

▣ Chapter 943. Department of Law Enforcement (Refs & Annos)

→ **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 be considered for removal of the requirement to register as a sexual offender or sexual predator only if the person:

(a) Was or will be 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 or will be 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;

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

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

(2) If a person meets the criteria in subsection (1) and the violation of s. 794.011 or s. 800.04 was committed on or after July 1, 2007, the person may move the court that will sentence or dispose of this violation to remove the requirement that the person register as a sexual offender or sexual predator. The person must allege in the motion that he or she meets the criteria in subsection (1) and that removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the motion at least 21 days before the date of sentencing or disposition of this violation and may present evidence in opposition to the requested relief or may otherwise demonstrate why the motion should be denied. At sentencing or disposition of this violation, the court shall rule on this motion and, if the court determines the person meets the criteria in subsection (1) and the removal of the registration requirement will not conflict with federal law, it may grant the motion and order the removal of the registration requirement. If the court denies the motion, the person is not authorized under this section to petition for removal of the registration requirement.

(3)(a) This subsection applies to a person who:

1. Is not a person described in subsection (2) because the violation of s. 794.011 or s. 800.04 was not committed on or after July 1, 2007;

2. Is subject to registration as a sexual offender or sexual predator for a violation of s. 794.011 or s. 800.04; and

3. Meets the criteria in subsection (1).

(b) A person may petition the court in which the sentence or disposition for the violation of s. 794.011 or s. 800.04 occurred for removal of the requirement to register as a sexual offender or sexual predator. The person must allege in the petition that he or she meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the petition at least 21 days before the hearing on the petition and may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. The court shall rule on the petition and, if the court determines the person meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law, it may grant the petition and order the removal of the registration requirement. If the court denies the petition, the person is not authorized under this section to file any further petition for removal of the registration requirement.

(4) If a person provides to the Department of Law Enforcement a certified copy of the court's order removing the requirement that the person register as a sexual offender or sexual predator for the violation of s. 794.011 or s. 800.04, the registration requirement will not apply to the person and the department shall remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the department. However, the removal of this information from the public registry does not mean that the public is denied access to information about the person's criminal history or record that is otherwise available as a public record.

CREDIT(S)

Added by Laws 2007, c. 2007-209, § 3, eff. July 1, 2007.

West's F. S. A. § 943.04354, FL ST § 943.04354

Current through Chapter 339 and S.J.R. 2D (End) of the 2007 Special D Session of the Twentieth Legislature

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KEYCITE

CFL ST § 943.04354

Citing References

Secondary Sources (U.S.A.)

1 FL Jur. 2d Criminal Law s 3859, s 3859. Generally (2008)

Statutes and Court Rules (U.S.A.)

▶ 2 FL ST s 943.0435; 943.0435. Sexual offenders required to register with the department; penalty

C**Reports and Related Materials**

Laws 2007, c. 2007–209, § 3, eff. July 1, 2007

Reports

Senate Staff Analysis and Economic Impact Statement, Senate Bill 1604, FL Staff An., S.B. 1604, 4/11/2007, April 11, 2007

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Journals

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Journal of the House of Representatives, 2007 Regular Session, Number 38, FL H.R. Jour., 2007 Reg. Sess., No. 38, May 02, 2007

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