

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Reddick offered the following:

**Amendment (with title amendment)**

On page 67, between lines 26 and 27 of the bill

insert:

Section 55. This act may be cited as the "Nathan McCall and Anderson C. Hill, II, Forgiveness Act."

Section 56. Section 943.0587, Florida Statutes, is created to read:

943.0587 Mandatory sealing of certain felony records upon application to department.--

(1) APPLICATION; REQUIREMENTS.--Notwithstanding s. 943.0585, s. 943.059, or any other provision of law or rule to the contrary, a person may seek to seal criminal history records of felony offenses by making application to the Department of Law Enforcement for mandatory sealing of the felony records when all of the following requirements are met:

(a) Each of the felony offenses for which sealing of the criminal history record is sought is a felony of the second degree or felony of the third degree for which the

1 person was convicted or had adjudication withheld. This  
2 section does not apply to criminal history records for  
3 offenses which are capital felonies, life felonies, or  
4 felonies of the first degree.

5 (b) The person was under 22 years of age when the  
6 person committed any of the felonies for which sealing of the  
7 criminal history records is sought.

8 (c) The person has not committed any additional felony  
9 offense for a minimum period of 10 years since the date of  
10 adjudication or adjudication withheld for the most recent  
11 felony or the date the person was released from confinement  
12 for the most recent felony from a detention facility, jail,  
13 prison, or other correctional facility, whichever date is  
14 later. The 10-year period shall be deemed to include periods  
15 during which the person was under any form of postrelease  
16 correctional supervision.

17 (d) The person has remitted a \$75 processing fee to  
18 the department for placement in the Department of Law  
19 Enforcement Operating Trust Fund, unless such fee is waived by  
20 the executive director.

21 (2) APPLICATION GRANT; EFFECT.--Upon verification that  
22 the requirements of subsection (1) have been met, the  
23 department shall grant the application to seal, and provide  
24 for sealing of the records. The department shall act upon the  
25 application to seal the felony records, when granted, as it  
26 would act upon an order to seal the records had it been  
27 entered by a court.

28 (3) RULEMAKING.--The department shall, by rule adopted  
29 pursuant to chapter 120, establish procedures to implement  
30 this section, including procedures pertaining to verification  
31 and notification of the application for mandatory sealing of

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1 felony records.

2 (4) CONSTRUCTION.--This section shall be construed so  
3 that the courts of this state continue to have jurisdiction  
4 over their own procedures, including the maintenance, sealing,  
5 and correction of judicial records containing criminal history  
6 information to the extent such procedures are not inconsistent  
7 with the conditions, responsibilities, and duties established  
8 by this section.

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

12 And the title is amended as follows:

13 On page 5, line 27

14

15 after the semicolon insert:

16 creating the "Nathan McCall and Anderson C.  
17 Hill, II, Forgiveness Act"; creating s.  
18 943.0587, F.S.; providing for mandatory sealing  
19 of certain felony offense records upon  
20 application to the Department of Law  
21 Enforcement under specified circumstances when  
22 the offenses were committed by a person under  
23 22 years of age who has not committed any  
24 additional felony offenses for at least 10  
25 years; providing an exception for capital  
26 felonies, life felonies, and felonies of the  
27 first degree; providing for application for  
28 sealing; providing for an application fee;  
29 providing for adoption of rules by the  
30 Department of Law Enforcement; providing for  
31 construction;