

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the sealing and expunction of criminal
7 records; amending s. 943.0585, F.S.; clarifying that a
8 criminal record that relates to certain offenses may not
9 be expunged, regardless of whether adjudication was
10 withheld, if the defendant was found guilty of or pled
11 guilty or nolo contendere to the offense; amending s.
12 943.059, F.S.; clarifying that a criminal record that
13 relates to certain offenses may not be sealed, regardless
14 of whether adjudication was withheld, if the defendant was
15 found guilty of or pled guilty or nolo contendere to the
16 offense; providing that a certificate of eligibility for
17 sealing is available if the person seeking the certificate
18 has never secured a prior sealing or expunction of a
19 criminal history record under specified provisions
20 involving an offense for which he or she was found guilty
21 or pled guilty or nolo contendere; providing an effective
22 date.

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

25
26 Section 1. Section 943.0585, Florida Statutes, is amended
27 to read:

28 943.0585 Court-ordered expunction of criminal history
29 records.--The courts of this state have jurisdiction over their
30 own procedures, including the maintenance, expunction, and
31 correction of judicial records containing criminal history
32 information to the extent the ~~such~~ procedures are not
33 inconsistent with the conditions, responsibilities, and duties
34 established by this section. Any court of competent jurisdiction
35 may order a criminal justice agency to expunge the criminal
36 history record of a minor or an adult who complies with the
37 requirements of this section. The court shall not order a
38 criminal justice agency to expunge a criminal history record
39 until the person seeking to expunge a criminal history record
40 has applied for and received a certificate of eligibility for
41 expunction pursuant to subsection (2). A criminal history record
42 that relates to a violation of s. 393.135, s. 394.4593, s.
43 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.
44 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s.
45 847.0145, s. 893.135, s. 916.1075, or a violation enumerated in
46 s. 907.041 may ~~not~~ be expunged, if eligible under subsections
47 (1) and (2). If, without regard to whether adjudication was
48 withheld, ~~if~~ the defendant was found guilty of or pled guilty or
49 nolo contendere to the offense, or if the defendant, as a minor,
50 was found to have committed, or pled guilty or nolo contendere
51 to committing, the offense as a delinquent act, a record that

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52 | relates to any of the violations specified above may not be
53 | sealed or expunged. The court may only order expunction of a
54 | criminal history record pertaining to one arrest or one incident
55 | of alleged criminal activity, except as provided in this
56 | section. The court may, at its sole discretion, order the
57 | expunction of a criminal history record pertaining to more than
58 | one arrest if the additional arrests directly relate to the
59 | original arrest. If the court intends to order the expunction of
60 | records pertaining to the ~~such~~ additional arrests, the ~~such~~
61 | intent must be specified in the order. A criminal justice agency
62 | may not expunge any record pertaining to the ~~such~~ additional
63 | arrests if the order to expunge does not articulate the
64 | intention of the court to expunge a record pertaining to more
65 | than one arrest. This section does not prevent the court from
66 | ordering the expunction of only a portion of a criminal history
67 | record pertaining to one arrest or one incident of alleged
68 | criminal activity. Notwithstanding any law to the contrary, a
69 | criminal justice agency may comply with laws, court orders, and
70 | official requests of other jurisdictions relating to expunction,
71 | correction, or confidential handling of criminal history records
72 | or information derived therefrom. This section does not confer
73 | any right to the expunction of any criminal history record, and
74 | any request for expunction of a criminal history record may be
75 | denied at the sole discretion of the court.

76 | (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.--Each
77 | petition to a court to expunge a criminal history record is
78 | complete only when accompanied by:

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79 | (a) A certificate of eligibility for expunction issued by
80 | the department pursuant to subsection (2).

81 | (b) The petitioner's sworn statement attesting that the
82 | petitioner:

83 | 1. Has never, prior to the date on which the petition is
84 | filed, been adjudicated guilty of a criminal offense or
85 | comparable ordinance violation or adjudicated delinquent for
86 | committing a felony or a misdemeanor specified in s.
87 | 943.051(3)(b).

88 | 2. Has not been adjudicated guilty of, or adjudicated
89 | delinquent for committing, any of the acts stemming from the
90 | arrest or alleged criminal activity to which the petition
91 | pertains.

92 | 3. Has never secured a prior sealing or expunction of a
93 | criminal history record under this section, former s. 893.14,
94 | former s. 901.33, or former s. 943.058, or from any jurisdiction
95 | outside the state.

96 | 4. Is eligible for such an expunction to the best of his
97 | or her knowledge or belief and does not have any other petition
98 | to expunge or any petition to seal pending before any court.

99 |
100 | Any person who knowingly provides false information on the ~~such~~
101 | sworn statement to the court commits a felony of the third
102 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
103 | 775.084.

104 | (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to
105 | petitioning the court to expunge a criminal history record, a
106 | person seeking to expunge a criminal history record shall apply

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107 to the department for a certificate of eligibility for
108 expunction. The department shall, by rule adopted pursuant to
109 chapter 120, establish procedures pertaining to the application
110 for and issuance of certificates of eligibility for expunction.
111 The department shall issue a certificate of eligibility for
112 expunction to a person who is the subject of a criminal history
113 record if that person:

114 (a) Has obtained, and submitted to the department, a
115 written, certified statement from the appropriate state attorney
116 or statewide prosecutor which indicates:

117 1. That an indictment, information, or other charging
118 document was not filed or issued in the case.

119 2. That an indictment, information, or other charging
120 document, if filed or issued in the case, was dismissed or nolle
121 prosequi by the state attorney or statewide prosecutor, or was
122 dismissed by a court of competent jurisdiction.

123 3. That the criminal history record does not relate to a
124 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
125 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,
126 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
127 s. 916.1075, or a violation enumerated in s. 907.041, where the
128 defendant was found guilty of, or pled guilty or nolo contendere
129 to any such offense, or that the defendant, as a minor, was
130 found to have committed, or pled guilty or nolo contendere to
131 committing, such an offense as a delinquent act, without regard
132 to whether adjudication was withheld.

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133 (b) Remits a \$75 processing fee to the department for
134 placement in the Department of Law Enforcement Operating Trust
135 Fund, unless the ~~such~~ fee is waived by the executive director.

136 (c) Has submitted to the department a certified copy of
137 the disposition of the charge to which the petition to expunge
138 pertains.

139 (d) Has never, prior to the date on which the application
140 for a certificate of eligibility is filed, been adjudicated
141 guilty of a criminal offense or comparable ordinance violation
142 or adjudicated delinquent for committing a felony or a
143 misdemeanor specified in s. 943.051(3)(b).

144 (e) Has not been adjudicated guilty of, or adjudicated
145 delinquent for committing, any of the acts stemming from the
146 arrest or alleged criminal activity to which the petition to
147 expunge pertains.

148 (f) Has never secured a prior sealing or expunction of a
149 criminal history record under this section, former s. 893.14,
150 former s. 901.33, or former s. 943.058.

151 (g) Is no longer under court supervision applicable to the
152 disposition of the arrest or alleged criminal activity to which
153 the petition to expunge pertains.

154 (h) Is not required to wait a minimum of 10 years prior to
155 being eligible for an expunction of such records because all
156 charges related to the arrest or criminal activity to which the
157 petition to expunge pertains were dismissed prior to trial,
158 adjudication, or the withholding of adjudication. Otherwise,
159 such criminal history record must be sealed under this section,
160 former s. 893.14, former s. 901.33, or former s. 943.058 for at

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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161 | least 10 years before the ~~such~~ record is eligible for
162 | expunction.

163 | (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

164 | (a) In judicial proceedings under this section, a copy of
165 | the completed petition to expunge shall be served upon the
166 | appropriate state attorney or the statewide prosecutor and upon
167 | the arresting agency; however, it is not necessary to make any
168 | agency other than the state a party. The appropriate state
169 | attorney or the statewide prosecutor and the arresting agency
170 | may respond to the court regarding the completed petition to
171 | expunge.

172 | (b) If relief is granted by the court, the clerk of the
173 | court shall certify copies of the order to the appropriate state
174 | attorney or the statewide prosecutor and the arresting agency.
175 | The arresting agency is responsible for forwarding the order to
176 | any other agency to which the arresting agency disseminated the
177 | criminal history record information to which the order pertains.
178 | The department shall forward the order to expunge to the Federal
179 | Bureau of Investigation. The clerk of the court shall certify a
180 | copy of the order to any other agency which the records of the
181 | court reflect has received the criminal history record from the
182 | court.

183 | (c) For an order to expunge entered by a court prior to
184 | July 1, 1992, the department shall notify the appropriate state
185 | attorney or statewide prosecutor of an order to expunge which is
186 | contrary to law because the person who is the subject of the
187 | record has previously been convicted of a crime or comparable
188 | ordinance violation or has had a prior criminal history record

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189 sealed or expunged. Upon receipt of the ~~such~~ notice, the
 190 appropriate state attorney or statewide prosecutor shall take
 191 action, within 60 days, to correct the record and petition the
 192 court to void the order to expunge. The department shall seal
 193 the record until ~~such time as~~ the order is voided by the court.

194 (d) On or after July 1, 1992, the department or any other
 195 criminal justice agency is not required to act on an order to
 196 expunge entered by a court when the ~~such~~ order does not comply
 197 with the requirements of this section. Upon receipt of such an
 198 order, the department must notify the issuing court, the
 199 appropriate state attorney or statewide prosecutor, the
 200 petitioner or the petitioner's attorney, and the arresting
 201 agency of the reason for noncompliance. The appropriate state
 202 attorney or statewide prosecutor shall take action within 60
 203 days to correct the record and petition the court to void the
 204 order. No cause of action, including contempt of court, shall
 205 arise against any criminal justice agency for failure to comply
 206 with an order to expunge when the petitioner for the ~~such~~ order
 207 failed to obtain the certificate of eligibility as required by
 208 this section or the ~~such~~ order does not otherwise comply with
 209 the requirements of this section.

210 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
 211 criminal history record of a minor or an adult which is ordered
 212 expunged by a court of competent jurisdiction pursuant to this
 213 section must be physically destroyed or obliterated by any
 214 criminal justice agency having custody of the ~~such~~ record;
 215 except that any criminal history record in the custody of the
 216 department must be retained in all cases. A criminal history

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217 record ordered expunged that is retained by the department is
218 confidential and exempt from the provisions of s. 119.07(1) and
219 s. 24(a), Art. I of the State Constitution and not available to
220 any person or entity except upon order of a court of competent
221 jurisdiction. A criminal justice agency may retain a notation
222 indicating compliance with an order to expunge.

223 (a) The person who is the subject of a criminal history
224 record that is expunged under this section or under other
225 provisions of law, including former s. 893.14, former s. 901.33,
226 and former s. 943.058, may lawfully deny or fail to acknowledge
227 the arrests covered by the expunged record, except when the
228 subject of the record:

- 229 1. Is a candidate for employment with a criminal justice
230 agency;
- 231 2. Is a defendant in a criminal prosecution;
- 232 3. Concurrently or subsequently petitions for relief under
233 this section or s. 943.059;
- 234 4. Is a candidate for admission to The Florida Bar;
- 235 5. Is seeking to be employed or licensed by or to contract
236 with the Department of Children and Family Services or the
237 Department of Juvenile Justice or to be employed or used by the
238 ~~such~~ contractor or licensee in a sensitive position having
239 direct contact with children, the developmentally disabled, the
240 aged, or the elderly as provided in s. 110.1127(3), s. 393.063,
241 s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
242 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s.
243 985.407, or chapter 400; or

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244 6. Is seeking to be employed or licensed by the Department
245 of Education, any district school board, any university
246 laboratory school, any charter school, any private or parochial
247 school, or any local governmental entity that licenses child
248 care facilities.

249 (b) Subject to the exceptions in paragraph (a), a person
250 who has been granted an expunction under this section, former s.
251 893.14, former s. 901.33, or former s. 943.058 may not be held
252 under any provision of law of this state to commit perjury or to
253 be otherwise liable for giving a false statement by reason of
254 the ~~such~~ person's failure to recite or acknowledge an expunged
255 criminal history record.

256 (c) Information relating to the existence of an expunged
257 criminal history record which is provided in accordance with
258 paragraph (a) is confidential and exempt from the provisions of
259 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
260 except that the department shall disclose the existence of a
261 criminal history record ordered expunged to the entities set
262 forth in subparagraphs (a)1., 4., 5., and 6. for their
263 respective licensing and employment purposes, and to criminal
264 justice agencies for their respective criminal justice purposes.
265 It is unlawful for any employee of an entity set forth in
266 subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or
267 subparagraph (a)6. to disclose information relating to the
268 existence of an expunged criminal history record of a person
269 seeking employment or licensure with the ~~such~~ entity or
270 contractor, except to the person to whom the criminal history
271 record relates or to persons having direct responsibility for

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272 employment or licensure decisions. Any person who violates this
273 paragraph commits a misdemeanor of the first degree, punishable
274 as provided in s. 775.082 or s. 775.083.

275 (5) STATUTORY REFERENCES.--Any reference to any other
276 chapter, section, or subdivision of the Florida Statutes in this
277 section constitutes a general reference under the doctrine of
278 incorporation by reference.

279 Section 2. Section 943.059, Florida Statutes, is amended
280 to read:

281 943.059 Court-ordered sealing of criminal history
282 records.--The courts of this state shall continue to have
283 jurisdiction over their own procedures, including the
284 maintenance, sealing, and correction of judicial records
285 containing criminal history information to the extent the ~~such~~
286 procedures are not inconsistent with the conditions,
287 responsibilities, and duties established by this section. Any
288 court of competent jurisdiction may order a criminal justice
289 agency to seal the criminal history record of a minor or an
290 adult who complies with the requirements of this section. The
291 court shall not order a criminal justice agency to seal a
292 criminal history record until the person seeking to seal a
293 criminal history record has applied for and received a
294 certificate of eligibility for sealing pursuant to subsection
295 (2). A criminal history record that relates to a violation of s.
296 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
297 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s.
298 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or
299 a violation enumerated in s. 907.041 may ~~not~~ be sealed, if

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300 | eligible under subsections (1) and (2), unless, without regard
 301 | to whether adjudication was withheld, if the defendant was found
 302 | guilty of or pled guilty or nolo contendere to the offense, or
 303 | if the defendant, as a minor, was found to have committed or
 304 | pled guilty or nolo contendere to committing the offense as a
 305 | delinquent act. If the defendant was found guilty of or pled
 306 | guilty or nolo contendere to the offense, or if the defendant,
 307 | as a minor, was found to have committed or pled guilty or nolo
 308 | contendere to committing the offense as a delinquent act, a
 309 | record that relates to any of the violations specified above may
 310 | not be sealed, without regard to whether adjudication was
 311 | withheld. The court may only order sealing of a criminal history
 312 | record pertaining to one arrest or one incident of alleged
 313 | criminal activity, except as provided in this section. The court
 314 | may, at its sole discretion, order the sealing of a criminal
 315 | history record pertaining to more than one arrest if the
 316 | additional arrests directly relate to the original arrest. If
 317 | the court intends to order the sealing of records pertaining to
 318 | the ~~such~~ additional arrests, the ~~such~~ intent must be specified
 319 | in the order. A criminal justice agency may not seal any record
 320 | pertaining to the ~~such~~ additional arrests if the order to seal
 321 | does not articulate the intention of the court to seal records
 322 | pertaining to more than one arrest. This section does not
 323 | prevent the court from ordering the sealing of only a portion of
 324 | a criminal history record pertaining to one arrest or one
 325 | incident of alleged criminal activity. Notwithstanding any law
 326 | to the contrary, a criminal justice agency may comply with laws,
 327 | court orders, and official requests of other jurisdictions

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328 relating to sealing, correction, or confidential handling of
 329 criminal history records or information derived therefrom. This
 330 section does not confer any right to the sealing of any criminal
 331 history record, and any request for sealing a criminal history
 332 record may be denied at the sole discretion of the court.

333 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each
 334 petition to a court to seal a criminal history record is
 335 complete only when accompanied by:

336 (a) A certificate of eligibility for sealing issued by the
 337 department pursuant to subsection (2).

338 (b) The petitioner's sworn statement attesting that the
 339 petitioner:

340 1. Has never, prior to the date on which the petition is
 341 filed, been adjudicated guilty of a criminal offense or
 342 comparable ordinance violation or adjudicated delinquent for
 343 committing a felony or a misdemeanor specified in s.
 344 943.051(3)(b).

345 2. Has not been adjudicated guilty of or adjudicated
 346 delinquent for committing any of the acts stemming from the
 347 arrest or alleged criminal activity to which the petition to
 348 seal pertains.

349 3. Except as otherwise provided in this section, has never
 350 secured a prior sealing or expunction of a criminal history
 351 record under this section, former s. 893.14, former s. 901.33,
 352 former s. 943.058, or from any jurisdiction outside the state.

353 4. Is eligible for such a sealing to the best of his or
 354 her knowledge or belief and does not have any other petition to
 355 seal or any petition to expunge pending before any court.

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356
357 Any person who knowingly provides false information on the ~~such~~
358 sworn statement to the court commits a felony of the third
359 degree, punishable as provided in s. 775.082, s. 775.083, or s.
360 775.084.

361 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to
362 petitioning the court to seal a criminal history record, a
363 person seeking to seal a criminal history record shall apply to
364 the department for a certificate of eligibility for sealing. The
365 department shall, by rule adopted pursuant to chapter 120,
366 establish procedures pertaining to the application for and
367 issuance of certificates of eligibility for sealing. The
368 department shall issue a certificate of eligibility for sealing
369 to a person who is the subject of a criminal history record
370 provided that the ~~such~~ person:

371 (a) Has submitted to the department a certified copy of
372 the disposition of the charge to which the petition to seal
373 pertains.

374 (b) Remits a \$75 processing fee to the department for
375 placement in the Department of Law Enforcement Operating Trust
376 Fund, unless the ~~such~~ fee is waived by the executive director.

377 (c) Has never, prior to the date on which the application
378 for a certificate of eligibility is filed, been adjudicated
379 guilty of a criminal offense or comparable ordinance violation
380 or adjudicated delinquent for committing a felony or a
381 misdemeanor specified in s. 943.051(3)(b).

382 (d) Has not been adjudicated guilty of or adjudicated
383 delinquent for committing any of the acts stemming from the

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384 | arrest or alleged criminal activity to which the petition to
385 | seal pertains.

386 | (e) Has never secured a prior sealing or expunction of a
387 | criminal history record under this section, former s. 893.14,
388 | former s. 901.33, or former s. 943.058 involving an offense for
389 | which the defendant has been found guilty or pled guilty or nolo
390 | contendere.

391 | (f) Is no longer under court supervision applicable to the
392 | disposition of the arrest or alleged criminal activity to which
393 | the petition to seal pertains.

394 | (3) PROCESSING OF A PETITION OR ORDER TO SEAL.--

395 | (a) In judicial proceedings under this section, a copy of
396 | the completed petition to seal shall be served upon the
397 | appropriate state attorney or the statewide prosecutor and upon
398 | the arresting agency; however, it is not necessary to make any
399 | agency other than the state a party. The appropriate state
400 | attorney or the statewide prosecutor and the arresting agency
401 | may respond to the court regarding the completed petition to
402 | seal.

403 | (b) If relief is granted by the court, the clerk of the
404 | court shall certify copies of the order to the appropriate state
405 | attorney or the statewide prosecutor and to the arresting
406 | agency. The arresting agency is responsible for forwarding the
407 | order to any other agency to which the arresting agency
408 | disseminated the criminal history record information to which
409 | the order pertains. The department shall forward the order to
410 | seal to the Federal Bureau of Investigation. The clerk of the
411 | court shall certify a copy of the order to any other agency

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412 | which the records of the court reflect has received the criminal
413 | history record from the court.

414 | (c) For an order to seal entered by a court prior to July
415 | 1, 1992, the department shall notify the appropriate state
416 | attorney or statewide prosecutor of any order to seal which is
417 | contrary to law because the person who is the subject of the
418 | record has previously been convicted of a crime or comparable
419 | ordinance violation or has had a prior criminal history record
420 | sealed or expunged. Upon receipt of the ~~such~~ notice, the
421 | appropriate state attorney or statewide prosecutor shall take
422 | action, within 60 days, to correct the record and petition the
423 | court to void the order to seal. The department shall seal the
424 | record until ~~such time as~~ the order is voided by the court.

425 | (d) On or after July 1, 1992, the department or any other
426 | criminal justice agency is not required to act on an order to
427 | seal entered by a court when the ~~such~~ order does not comply with
428 | the requirements of this section. Upon receipt of such an order,
429 | the department must notify the issuing court, the appropriate
430 | state attorney or statewide prosecutor, the petitioner or the
431 | petitioner's attorney, and the arresting agency of the reason
432 | for noncompliance. The appropriate state attorney or statewide
433 | prosecutor shall take action within 60 days to correct the
434 | record and petition the court to void the order. No cause of
435 | action, including contempt of court, shall arise against any
436 | criminal justice agency for failure to comply with an order to
437 | seal when the petitioner for the ~~such~~ order failed to obtain the
438 | certificate of eligibility as required by this section or when

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439 | the ~~such~~ order does not comply with the requirements of this
440 | section.

441 | (e) An order sealing a criminal history record pursuant to
442 | this section does not require that the ~~such~~ record be
443 | surrendered to the court, and the ~~such~~ record shall continue to
444 | be maintained by the department and other criminal justice
445 | agencies.

446 | (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal
447 | history record of a minor or an adult which is ordered sealed by
448 | a court of competent jurisdiction pursuant to this section is
449 | confidential and exempt from the provisions of s. 119.07(1) and
450 | s. 24(a), Art. I of the State Constitution and is available only
451 | to the person who is the subject of the record, to the subject's
452 | attorney, to criminal justice agencies for their respective
453 | criminal justice purposes, or to those entities set forth in
454 | subparagraphs (a)1., 4., 5., and 6. for their respective
455 | licensing and employment purposes.

456 | (a) The subject of a criminal history record sealed under
457 | this section or under other provisions of law, including former
458 | s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
459 | deny or fail to acknowledge the arrests covered by the sealed
460 | record, except when the subject of the record:

- 461 | 1. Is a candidate for employment with a criminal justice
462 | agency;
- 463 | 2. Is a defendant in a criminal prosecution;
- 464 | 3. Concurrently or subsequently petitions for relief under
465 | this section or s. 943.0585;
- 466 | 4. Is a candidate for admission to The Florida Bar;

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467 5. Is seeking to be employed or licensed by or to contract
468 with the Department of Children and Family Services or the
469 Department of Juvenile Justice or to be employed or used by the
470 ~~such~~ contractor or licensee in a sensitive position having
471 direct contact with children, the developmentally disabled, the
472 aged, or the elderly as provided in s. 110.1127(3), s. 393.063,
473 s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
474 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and
475 (13), s. 985.407, or chapter 400; or

476 6. Is seeking to be employed or licensed by the Department
477 of Education, any district school board, any university
478 laboratory school, any charter school, any private or parochial
479 school, or any local governmental entity that licenses child
480 care facilities.

481 (b) Subject to the exceptions in paragraph (a), a person
482 who has been granted a sealing under this section, former s.
483 893.14, former s. 901.33, or former s. 943.058 may not be held
484 under any provision of law of this state to commit perjury or to
485 be otherwise liable for giving a false statement by reason of
486 the ~~such~~ person's failure to recite or acknowledge a sealed
487 criminal history record.

488 (c) Information relating to the existence of a sealed
489 criminal record provided in accordance with the provisions of
490 paragraph (a) is confidential and exempt from the provisions of
491 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
492 except that the department shall disclose the sealed criminal
493 history record to the entities set forth in subparagraphs (a)1.,
494 4., 5., and 6. for their respective licensing and employment

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495 | purposes. It is unlawful for any employee of an entity set forth
496 | in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5.,
497 | or subparagraph (a)6. to disclose information relating to the
498 | existence of a sealed criminal history record of a person
499 | seeking employment or licensure with the ~~such~~ entity or
500 | contractor, except to the person to whom the criminal history
501 | record relates or to persons having direct responsibility for
502 | employment or licensure decisions. Any person who violates the
503 | provisions of this paragraph commits a misdemeanor of the first
504 | degree, punishable as provided in s. 775.082 or s. 775.083.

505 | (5) STATUTORY REFERENCES.--Any reference to any other
506 | chapter, section, or subdivision of the Florida Statutes in this
507 | section constitutes a general reference under the doctrine of
508 | incorporation by reference.

509 | Section 3. This act shall take effect upon becoming a law.