

By Senator Smith

29-01368-11

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1                   A bill to be entitled  
2           An act relating to criminal history records of  
3           juveniles; creating s. 943.05825, F.S.; providing for  
4           the automatic sealing of records of juvenile offenses  
5           upon completion of sentence; providing exceptions;  
6           providing for the effect of sealing; providing for  
7           application of other specified provisions relating to  
8           expunction and sealing of records; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 943.05825, Florida Statutes, is created  
14 to read:

15           943.05825 Automatic sealing of juvenile records.-

16           (1) Notwithstanding any other law, the criminal history  
17 record of any juvenile offenses committed by a juvenile shall be  
18 automatically sealed upon the juvenile's completion of all  
19 sentences for those offenses, except for the record of any  
20 offense for which the juvenile was:

21           (a) Transferred to the adult system under s. 985.557,  
22 indicted under s. 985.56, or waived into the adult system under  
23 s. 985.556; or

24           (b) Transferred to the adult system but sentenced to the  
25 juvenile system under s. 985.565.

26           (2) As used in this section, the term "sealed" or "sealing"  
27 has the same meaning in effect and ascribed in s. 943.059,  
28 excluding s. 943.059(4) (a), except that the criminal history  
29 record of a person whose record is sealed pursuant to this

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30 section shall be made available only to criminal justice  
31 agencies for the purpose of determining eligibility for  
32 prearrest, postarrest, or teen court diversion programs; when  
33 the record is sought as part of a criminal investigation; or  
34 when the subject of the record is a candidate for employment  
35 with a criminal justice agency. For all other purposes, a person  
36 whose record is sealed under this section may lawfully deny or  
37 fail to acknowledge the arrest and the charge covered by the  
38 sealed record.

39 (3) Sealing granted under this section does not prevent the  
40 juvenile who receives such relief from petitioning for the  
41 expunction or sealing of a later criminal history record as  
42 provided in ss. 943.0585 and 943.059 if the juvenile is  
43 otherwise eligible under those sections.

44 Section 2. This act shall take effect July 1, 2011.