

By Senator Smith

29-00711-12

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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 offenses committed  
5 by a juvenile upon completion of sentence; providing  
6 exceptions; providing for the effect of sealing;  
7 providing for application of other specified  
8 provisions relating to expunction and sealing of  
9 records; providing an 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 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 as provided in s. 943.059, excluding s.  
28 943.059(4)(a), except that the criminal history record of a  
29 juvenile whose record is sealed pursuant to this section shall

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

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

43 Section 2. This act shall take effect July 1, 2012.