

By Senator Smith

31-00183-16

2016274__

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 defining terms; 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:

12
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 must 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, waived into the adult system under s.
23 985.556; 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 described in s. 943.059, excluding s.
28 943.059(4)(a), except that the criminal history record of a
29 person whose record is sealed pursuant to this section shall be

31-00183-16

2016274__

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

38 (3) Sealing granted under this section does not prevent the
39 juvenile who receives such relief from petitioning for the
40 expunction or sealing of a later criminal history record as
41 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, 2016.