

By Senator Bracy

11-00861-19

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1                   A bill to be entitled  
2       An act relating to criminal history records; creating  
3       s. 943.0586, F.S.; requiring the Criminal Justice  
4       Information Program to administratively seal the  
5       criminal history records of a minor upon notification  
6       by the clerk of the court under specified  
7       circumstances; providing applicability for the  
8       administrative sealing of specified criminal history  
9       records; providing a contingent effective date.

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

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13       Section 1. Section 943.0586, Florida Statutes, is created  
14 to read:

15       943.0586 Administrative sealing of criminal history records  
16 of minors.—

17       (1) The Criminal Justice Information Program shall  
18 administratively seal the criminal history records pertaining to  
19 an arrest or incident of alleged criminal activity of a minor  
20 charged with a felony, misdemeanor, or violation of a comparable  
21 rule or ordinance by a state, county, municipal, or other law  
22 enforcement agency upon notification by the clerk of the court,  
23 pursuant to s. 943.052(2), that all the charges related to the  
24 arrest or incident of alleged criminal activity were declined to  
25 be filed by the state attorney or the statewide prosecutor; were  
26 dismissed or nolle prosequi before trial; or resulted in a  
27 judgment of acquittal or a verdict of not guilty at trial and  
28 that all appeals by the prosecution have been exhausted or the  
29 time to file an appeal has expired.

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30       (2) The sealing under this section of a criminal history  
31 record has the same effect as a sealing under s. 943.059(4).

32       (3) Sealing granted under this section does not prevent the  
33 minor who receives such relief from petitioning for the  
34 expunction or sealing of a criminal history record as provided  
35 for in ss. 943.0582, 943.0583, 943.0585, and 943.059, if the  
36 minor is otherwise eligible under those sections.

37       Section 2. This act shall take effect July 1, 2019, but  
38 only if SB \_\_\_ or similar legislation takes effect, if such  
39 legislation is adopted in the same legislative session or an  
40 extension thereof and becomes a law.