

1 A bill to be entitled
2 An act relating to collateral consequences and
3 penalties for criminal offenses; providing a short
4 title and legislative intent; adopting the Uniform
5 Collateral Consequences of Convictions Act; providing
6 a short title; providing definitions; providing
7 construction; providing duties of the Department of
8 Legal Affairs concerning certain laws; providing for
9 collateral consequences of criminal convictions;
10 requiring that certain notices be provided to criminal
11 defendants; specifying criteria to be used by
12 decisionmakers; imposing disqualifications on persons
13 convicted of criminal offenses; providing for effects
14 of convictions from other states; providing for
15 relief; providing for certificates of restoration of
16 rights; providing for construction of and reliance on
17 such certificates; providing for victim's rights;
18 providing applicability; amending s. 893.13, F.S.;
19 revising restrictions of possession and sale of
20 cannabis; amending s. 893.147, F.S.; revising
21 penalties for offenses involving cannabis
22 paraphernalia; creating s. 943.0596, F.S.; providing
23 for automatic sealing of certain convictions for minor
24 cannabis offenses; providing procedures; providing a
25 timetable; providing a directive to the Division of

26 Law Revision; providing Legislative intent; requiring
 27 a report; providing an effective date.

28

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

30

31 Section 1. SHORT TITLE; LEGISLATIVE INTENT.—

32 Short title.

33 (1) This act may be cited as the "Collateral Consequences
 34 of Convictions and Decriminalization of Cannabis and All Drugs
 35 Act."

36 (2) In the interest of the health and public safety of the
 37 residents of Florida, preserving individual freedoms without
 38 sacrificing community costs, allowing law enforcement to focus
 39 resources on violent and property crimes, generating revenue for
 40 education, substance abuse prevention and treatment, freeing
 41 public resources to invest in communities and other public
 42 purposes rather than continuing to overburden prisons with a
 43 population that needs medical attention, seeking corrective
 44 equity on the impact of the "war on drugs," and identifying real
 45 people-centered solutions to various drugs crises like the
 46 opioid epidemic, the Legislature is prioritizing treatment and
 47 safety in an effort to preserve lives rather than discard them
 48 through criminalization and incarceration.

49 Section 2. Uniform Collateral Consequences of Convictions
 50 Act.—

51 (1) SHORT TITLE.—This section may be cited as the "Uniform
 52 Collateral Consequences of Conviction Act."

53 (2) DEFINITIONS.—As used in this section, the term:

54 (a) "Collateral consequence" means a collateral sanction
 55 or a disqualification.

56 (b) "Collateral sanction" means a penalty, disability, or
 57 disadvantage, however denominated or imposed on an individual as
 58 a result of the individual's conviction of an offense which
 59 applies by operation of law whether or not the penalty,
 60 disability, or disadvantage is included in the judgment or
 61 sentence. The term does not include imprisonment, probation,
 62 parole, supervised release, forfeiture, restitution, fine,
 63 assessment, or costs of prosecution.

64 (c) "Conviction" and "convicted" includes an adjudication
 65 of juvenile delinquency which has a corresponding meaning.

66 (d) "Decisionmaker" means the state acting through a
 67 department, agency, officer, or instrumentality, including a
 68 political subdivision, educational institution, board, or
 69 commission or its employees.

70 (e) "Disqualification" means a penalty, disability, or
 71 disadvantage, however denominated, that an administrative
 72 agency, governmental official, or court in a civil proceeding is
 73 authorized, but not required, to impose on an individual on
 74 grounds relating to the individual's conviction of an offense.

75 (f) "Offense" means a felony, misdemeanor, or finding of

76 delinquency under the law of this state, another state, or the
 77 United States.

78 (g) "Person" means an individual, corporation, business
 79 trust, estate, trust, partnership, limited liability company,
 80 association, joint venture, public corporation, government or
 81 governmental subdivision, agency, or instrumentality, or any
 82 other legal or commercial entity.

83 (h) "State" means a state of the United States, the
 84 District of Columbia, Puerto Rico, the United States Virgin
 85 Islands, or any territory or insular possession subject to the
 86 jurisdiction of the United States.

87 (3) LIMITATION ON SCOPE.—

88 (a) This section does not provide a basis for:

- 89 1. Invalidating a plea, conviction, or sentence;
- 90 2. A cause of action for money damages; or
- 91 3. A claim for relief from or defense to the application
 92 of a collateral consequence based on a failure to comply with
 93 subsection (4), subsection (5), or subsection (6).

94 (b) This section does not affect:

- 95 1. The duty an individual's attorney owes to the
 96 individual;
- 97 2. A claim or right of a victim of an offense; or
- 98 3. A right or remedy under law other than this section
 99 available to an individual convicted of an offense.

100 (4) IDENTIFICATION, COLLECTION, AND PUBLICATION OF LAWS

HB 725

2022

101 REGARDING COLLATERAL CONSEQUENCES.—

102 (a) The Department of Legal Affairs:

103 1. Shall identify or cause to be identified any provision
104 in this state's constitution, statutes, and administrative rules
105 which imposes a collateral sanction or authorizes the imposition
106 of a disqualification, and any provision of law that may afford
107 relief from a collateral consequence.

108 2. Not later than 180 days after the effective date of
109 this section, shall prepare or cause to be prepared a collection
110 of citations to, and the text or short descriptions of, the
111 provisions identified under subparagraph 1.

112 3. Shall update or cause to be updated the collection
113 within 90 days after each regular session of the Legislature.

114 4. In complying with subparagraphs 1. and 2., may rely on
115 the study of this state's collateral sanctions,
116 disqualifications, and relief provisions prepared by the
117 National Institute of Justice described in Section 510 of the
118 Court Security Improvement Act of 2007, Pub. L. 110-177.

119 (b) The Department of Legal Affairs shall include or cause
120 to be included the following statements in a prominent manner at
121 the beginning of the collection required by paragraph (a):

122 1. This collection has not been enacted into law and does
123 not have the force of law.

124 2. An error or omission in this collection or in any
125 reference work cited in this collection is not a reason for

HB 725

2022

126 invalidating a plea, conviction, or sentence or for not imposing
127 a collateral sanction or authorizing a disqualification.

128 3. The laws of other jurisdictions and government
129 subdivisions that impose additional collateral sanctions and
130 authorize additional disqualifications are not included in this
131 collection.

132 4. This collection does not include any law or other
133 provision regarding the imposition of or relief from a
134 collateral sanction or a disqualification enacted or adopted
135 after [insert date the collection was prepared or last updated].

136 (c) The Department of Legal Affairs shall publish or cause
137 to be published the collection prepared and updated as required
138 by paragraph (a). If available, the department shall publish or
139 cause to be published, as part of the collection, the title and
140 website address of the most recent collection of:

141 1. The collateral consequences imposed by federal law.

142 2. Any provision of federal law that may afford relief
143 from a collateral consequence.

144 (d) The collection described in paragraph (c) must be
145 available to the public on the Internet without charge not later
146 than 10 days after it is created or updated.

147 (5) NOTICE OF COLLATERAL CONSEQUENCES IN PRETRIAL
148 PROCEEDING AND AT GUILTY PLEA.—

149 (a) When an individual receives formal notice that the
150 individual is charged with an offense, the state attorney shall

151 cause information substantially similar to the following to be
152 communicated to the individual:

153

154 NOTICE OF ADDITIONAL LEGAL CONSEQUENCES

155

156 If you plead guilty or are convicted of an offense you may
157 suffer additional legal consequences beyond jail or prison,
158 probation, periods of supervision, and fines. These
159 consequences may include:

160 • The inability to get or keep some licenses, permits, or
161 jobs.

162 • The inability to get or keep benefits such as public
163 housing or education.

164 • Receiving a harsher sentence if you are convicted of
165 another offense in the future.

166 • Having the government take your property.

167 • The inability to vote or possess a firearm.

168

169 If you are not a United States citizen, a guilty plea or
170 conviction may also result in your deportation, removal,
171 exclusion from admission to the United States, or denial of
172 citizenship.

173

174 The law may provide ways to obtain some relief from these
175 consequences.

176
177 Further information about the consequences of conviction is
178 available on the Internet at [insert website address of the
179 collection of laws published under paragraphs 4(c) and
180 (d)].

181
182 (b) Before the court accepts a plea of guilty or nolo
183 contendere from an individual, the court must confirm that the
184 individual received and understands the notice required by
185 paragraph (a) and had an opportunity to discuss the notice with
186 counsel.

187 (6) NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING AND
188 UPON RELEASE.—

189 (a) An individual convicted of an offense shall be given
190 notice, as provided in paragraphs (b) and (c) of:

191 1. Collateral consequences that may apply because of the
192 conviction.

193 2. The website address of the collection of laws published
194 under paragraph 4(c).

195 3. Ways that may be available to obtain relief from
196 collateral consequences.

197 4. Contact information for government or nonprofit
198 agencies, groups, or organizations, if any, offering assistance
199 to individuals seeking relief from collateral consequences.

200 5. When an individual convicted of an offense may vote

201 under this state's law.

202 (b) The state attorney shall provide the notice in
203 paragraph (a) as a part of sentencing.

204 (c) If an individual is sentenced to imprisonment or other
205 incarceration, the officer or agency releasing the individual
206 shall provide the notice in paragraph (a) not more than 30 days,
207 and, if practicable, at least 10 days before release.

208 (7) AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION;
209 AMBIGUITY.—

210 (a) A collateral sanction may be imposed only by statute
211 or ordinance, or by a rule authorized by law and adopted in
212 accordance with chapter 120.

213 (b) A law creating a collateral consequence that is
214 ambiguous as to whether it imposes a collateral sanction or
215 authorizes a disqualification must be construed as authorizing a
216 disqualification.

217 (8) DECISION TO DISQUALIFY.—In deciding whether to impose
218 a disqualification, a decisionmaker shall undertake an
219 individualized assessment to determine whether the benefit or
220 opportunity at issue should be denied the individual. In making
221 that decision, the decisionmaker may consider, if substantially
222 related to the benefit or opportunity at issue, the particular
223 facts and circumstances involved in the offense and the
224 essential elements of the offense. A conviction itself may not
225 be considered except as having established the elements of the

226 offense. The decisionmaker shall also consider other relevant
227 information, including the effect on third parties of granting
228 the benefit or opportunity and whether the individual has been
229 granted relief such as an order of limited relief or a
230 certificate of restoration of rights.

231 (9) EFFECT OF CONVICTION BY ANOTHER STATE OR THE UNITED
232 STATES; RELIEVED OR PARDONED CONVICTION.—

233 (a) For purposes of authorizing or imposing a collateral
234 consequence in this state, a conviction of an offense in a court
235 of another state or the United States is deemed a conviction of
236 the offense in this state with the same elements. If there is no
237 offense in this state with the same elements, the conviction is
238 deemed a conviction of the most serious offense in this state
239 which is established by the elements of the offense. A
240 misdemeanor in the jurisdiction of conviction may not be deemed
241 a felony in this state, and an offense lesser than a misdemeanor
242 in the jurisdiction of conviction may not be deemed a conviction
243 of a felony or misdemeanor in this state.

244 (b) For purposes of authorizing or imposing a collateral
245 consequence in this state, a juvenile adjudication in another
246 state or the United States may not be deemed a conviction of a
247 felony, misdemeanor, or offense lesser than a misdemeanor in
248 this state, but may be deemed a juvenile adjudication for the
249 delinquent act in this state with the same elements. If there is
250 no delinquent act in this state with the same elements, the

251 juvenile adjudication is deemed an adjudication of the most
252 serious delinquent act in this state which is established by the
253 elements of the offense.

254 (c) A conviction that is reversed, overturned, or
255 otherwise vacated by a court of competent jurisdiction of this
256 state, another state, or the United States on grounds other than
257 rehabilitation or good behavior may not serve as the basis for
258 authorizing or imposing a collateral consequence in this state.

259 (d) A pardon issued by another state or the United States
260 has the same effect for purposes of authorizing, imposing, and
261 relieving a collateral consequence in this state as it has in
262 the issuing jurisdiction.

263 (e) A conviction that has been relieved by expungement,
264 sealing, annulment, set aside, or vacation by a court of
265 competent jurisdiction of another state or the United States on
266 grounds of rehabilitation or good behavior, or for which civil
267 rights are restored pursuant to statute, has the same effect for
268 purposes of authorizing or imposing collateral consequences in
269 this state as it has in the jurisdiction of conviction. However,
270 such relief or restoration of civil rights does not relieve
271 collateral consequences applicable under the law of this state
272 for which relief could not be granted under subsection (12) or
273 for which relief was expressly withheld by the court order or by
274 the law of the jurisdiction that relieved the conviction. An
275 individual convicted in another jurisdiction may seek relief

HB 725

2022

276 under subsection (10) or subsection (11) from any collateral
277 consequence for which relief was not granted in the issuing
278 jurisdiction, other than those listed in subsection (12), and
279 the Board of Executive Clemency shall consider that the
280 conviction was relieved or civil rights restored in deciding
281 whether to issue an order of limited relief or certificate of
282 restoration of rights.

283 (f) A charge or prosecution in any jurisdiction which has
284 been finally terminated without a conviction and imposition of
285 sentence based on participation in a deferred adjudication or
286 diversion program may not serve as the basis for authorizing or
287 imposing a collateral consequence in this state. This subsection
288 does not affect the validity of any restriction or condition
289 imposed by law as part of participation in the deferred
290 adjudication or diversion program, before or after the
291 termination of the charge or prosecution.

292 (10) ORDER OF LIMITED RELIEF.—

293 (a) An individual convicted of an offense may petition for
294 an order of limited relief from one or more collateral sanctions
295 related to employment, education, housing, public benefits, or
296 occupational licensing. The petition may be presented to the:

- 297 1. Sentencing court at or before sentencing; or
298 2. Board of Executive Clemency at any time after
299 sentencing.

300 (b) Except as otherwise provided in subsection (12), the

301 court or the Board of Executive Clemency may issue an order of
 302 limited relief relieving one or more of the collateral sanctions
 303 described in paragraph (a) if, after reviewing the petition, the
 304 individual's criminal history, any filing by a victim under
 305 subsection (15) or a prosecutor, and any other relevant
 306 evidence, it finds the individual has established by a
 307 preponderance of the evidence that:

308 1. Granting the petition will materially assist the
 309 individual in obtaining or maintaining employment, education,
 310 housing, public benefits, or occupational licensing.

311 2. The individual has substantial need for the relief
 312 requested in order to live a law-abiding life.

313 3. Granting the petition would not pose an unreasonable
 314 risk to the safety or welfare of the public or any individual.

315 (c) The order of limited relief must specify:

316 1. The collateral sanction from which relief is granted.

317 2. Any restriction imposed pursuant to paragraph (13)(a).

318 (d) An order of limited relief relieves a collateral
 319 sanction to the extent provided in the order.

320 (e) If a collateral sanction has been relieved pursuant to
 321 this section, a decisionmaker may consider the conduct
 322 underlying a conviction as provided in subsection (8).

323 (11) CERTIFICATE OF RESTORATION OF RIGHTS.—

324 (a) An individual convicted of an offense may petition the
 325 Board of Executive Clemency for a certificate of restoration of

326 rights relieving collateral sanctions not sooner than 5 years
 327 after the individual's most recent conviction of a felony or
 328 misdemeanor in any jurisdiction, or not sooner than 5 years
 329 after the individual's release from confinement pursuant to a
 330 criminal sentence in any jurisdiction, whichever is later.

331 (b) Except as otherwise provided in subsection (12), the
 332 Board of Executive Clemency may issue a certificate of
 333 restoration of rights if, after reviewing the petition, the
 334 individual's criminal history, any filing by a victim under
 335 subsection (15) or a prosecutor, and any other relevant
 336 evidence, the board finds the individual has established by a
 337 preponderance of the evidence that:

338 1. The individual is engaged in, or seeking to engage in,
 339 a lawful occupation or activity, including employment, training,
 340 education, or rehabilitative programs, or the individual
 341 otherwise has a lawful source of support.

342 2. The individual is not in violation of the terms of any
 343 criminal sentence, or that any failure to comply is justified,
 344 excused, involuntary, or insubstantial.

345 3. A criminal charge is not pending against the
 346 individual.

347 4. Granting the petition would not pose an unreasonable
 348 risk to the safety or welfare of the public or any individual.

349 (c) A certificate of restoration of rights must specify
 350 any restriction imposed and collateral sanction from which

351 relief has not been granted under paragraph (13) (a) .

352 (d) A certificate of restoration of rights relieves all
 353 collateral sanctions, except those listed in subsection (12) and
 354 any others specifically excluded in the certificate.

355 (e) If a collateral sanction has been relieved pursuant to
 356 this subsection, a decisionmaker may consider the conduct
 357 underlying a conviction as provided in subsection (8) .

358 (12) COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF LIMITED
 359 RELIEF OR CERTIFICATE OF RESTORATION OF RIGHTS.—An order of
 360 limited relief or certificate of restoration of rights may not
 361 be issued to relieve the following collateral sanctions:

362 (a) Requirements imposed by s. 775.021 or s. 943.0435;

363 (b) A motor vehicle license suspension, revocation,
 364 limitation, or ineligibility pursuant to s. 316.193 or s.
 365 322.27, for which restoration or relief is available pursuant to
 366 s. 322.271; or

367 (c) Ineligibility for employment pursuant to general law.

368 (13) ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER OF
 369 LIMITED RELIEF AND CERTIFICATE OF RESTORATION OF RIGHTS.—

370 (a) When a petition is filed under subsection (10) or
 371 subsection (11), including a petition for enlargement of an
 372 existing order of limited relief or certificate of restoration
 373 of rights, the Board of Executive Clemency shall notify the
 374 office that prosecuted the offense giving rise to the collateral
 375 consequence from which relief is sought and, if the conviction

376 was not obtained in a court of this state, the Attorney General
377 of this state. The court may issue an order and the Board of
378 Executive Clemency may issue an order or certificate subject to
379 restriction, condition, or additional requirement. When issuing,
380 denying, modifying, or revoking an order or certificate, the
381 Board of Executive Clemency may impose conditions for
382 reapplication.

383 (b) The Board of Executive Clemency may restrict or revoke
384 an order of limited relief or certificate of restoration of
385 rights it issued or an order of limited relief issued by a court
386 in this state if it finds just cause by a preponderance of the
387 evidence. Just cause includes subsequent conviction of a felony
388 in this state or of an offense in another jurisdiction that is
389 deemed a felony in this state under paragraph (9)(a). An order
390 of restriction or revocation may be issued:

391 1. On motion of the Board of Executive Clemency, the
392 office of the prosecutor that obtained the conviction, or a
393 government agency designated by that prosecutor.

394 2. After notice to the individual and any prosecutor that
395 has appeared in the matter.

396 3. After a hearing under the chapter 120 if requested by
397 the individual or the prosecutor that made the motion or any
398 prosecutor that has appeared in the matter.

399 (c) The court or Board of Executive Clemency shall order
400 any test, report, investigation, or disclosure by the individual

401 it reasonably believes necessary to its decision to issue,
402 modify, or revoke an order of limited relief or certificate of
403 restoration of rights. If there are material disputed issues of
404 fact or law, the individual and any prosecutor notified under
405 paragraph (a) or another prosecutorial agency designated by a
406 prosecutor notified under paragraph (a) may submit evidence and
407 be heard on those issues.

408 (d) The Board of Executive Clemency shall maintain a
409 public record of the issuance, modification, and revocation of
410 orders of limited relief and certificates of restoration of
411 rights. The criminal history record system of the Department of
412 Law Enforcement must include issuance, modification, and
413 revocation of orders and certificates.

414 (e) The Board of Executive Clemency may adopt rules for
415 application, determination, modification, and revocation of
416 orders of limited relief and certificates of restoration of
417 rights.

418 (14) RELIANCE ON ORDER OR CERTIFICATE AS EVIDENCE OF DUE
419 CARE.—In a judicial or administrative proceeding alleging
420 negligence or other fault, an order of limited relief or a
421 certificate of restoration of rights may be introduced as
422 evidence of a person's due care in hiring, retaining, licensing,
423 leasing to, admitting to a school or program, or otherwise
424 transacting business or engaging in activity with the individual
425 to whom the order was issued, if the person knew of the order or

HB 725

2022

426 certificate at the time of the alleged negligence or other
427 fault.

428 (15) VICTIM'S RIGHTS.—A victim of an offense may
429 participate in a proceeding for issuance, modification, or
430 revocation of an order of limited relief or a certificate of
431 restoration of rights in the same manner as at a sentencing
432 proceeding.

433 (16) APPLICABILITY AND CONSTRUCTION.—

434 (a) In applying and construing this uniform act,
435 consideration must be given to the need to promote uniformity of
436 the law with respect to its subject matter among states that
437 enact it.

438 (b) This section applies to collateral consequences
439 whenever enacted or imposed, unless the law creating the
440 collateral consequence expressly states that this section does
441 not apply.

442 (c) This section does not invalidate the imposition of a
443 collateral sanction on an individual before the effective date
444 of this section, but a collateral sanction validly imposed
445 before the effective date of this section may be the subject of
446 relief under this section.

447 Section 3. Subsection (3) and paragraph (b) of subsection
448 (6) of section 893.13, Florida Statutes, are amended to read:

449 893.13 Prohibited acts; penalties.—

450 (3) A person who delivers, without consideration, one

HB 725

2022

451 ounce ~~20 grams~~ or less of cannabis, as defined in this chapter,
452 commits a noncriminal violation ~~misdemeanor of the first degree~~,
453 punishable by a fine of \$50 ~~as provided in s. 775.082 or s.~~
454 ~~775.083~~. As used in this subsection, the term "cannabis" does
455 not include the resin extracted from the plants of the genus
456 Cannabis or any compound manufacture, salt, derivative, mixture,
457 or preparation of such resin.

458 (6)

459 (b) If the offense is the possession of one ounce ~~20 grams~~
460 or less of cannabis, as defined in this chapter, the person
461 commits a noncriminal violation ~~misdemeanor of the first degree~~,
462 punishable by a fine of \$50 ~~as provided in s. 775.082 or s.~~
463 ~~775.083~~. As used in this subsection, the term "cannabis" does
464 not include the resin extracted from the plants of the genus
465 Cannabis, or any compound manufacture, salt, derivative,
466 mixture, or preparation of such resin.

467 Section 4. Subsection (1) of section 893.147, Florida
468 Statutes, is amended to read:

469 893.147 Use, possession, manufacture, delivery,
470 transportation, advertisement, or retail sale of drug
471 paraphernalia, specified machines, and materials.—

472 (1) (a) USE OR POSSESSION OF DRUG PARAPHERNALIA.—It is
473 unlawful for any person to use, or to possess with intent to
474 use, drug paraphernalia:

475 1. ~~(a)~~ To plant, propagate, cultivate, grow, harvest,

476 manufacture, compound, convert, produce, process, prepare, test,
 477 analyze, pack, repack, store, contain, or conceal a controlled
 478 substance in violation of this chapter; or

479 2.~~(b)~~ To inject, ingest, inhale, or otherwise introduce
 480 into the human body a controlled substance in violation of this
 481 chapter.

482 (b) Any person who violates this subsection commits: is
 483 ~~guilty of~~

484 1. A noncriminal violation, punishable by a fine of \$500
 485 for a violation involving paraphernalia used exclusively for
 486 personal use and consumption of cannabis as it relates to
 487 storing, preparing, containing, or concealing.

488 2. A misdemeanor of the first degree, punishable as
 489 provided in s. 775.082 or s. 775.083 for any other violation of
 490 this subsection.

491 Section 5. Section 943.0596, Florida Statutes, is created
 492 to read:

493 943.0596 Automatic sealing of records for minor cannabis
 494 offenses.—

495 (1) RULEMAKING.—Notwithstanding any law dealing generally
 496 with the preservation and destruction of public records, the
 497 department shall adopt rules addressing the automatic sealing of
 498 any criminal history record of a minor or adult described in
 499 this section.

500 (2) ELIGIBILITY.—

HB 725

2022

501 (a) The department shall automatically seal a criminal
502 history record for a violation of s. 893.13(3) or paragraph
503 (6)(b), if:

504 1. One year or more has elapsed since the date of the
505 arrest or law enforcement interaction documented in the records.

506 2. No criminal charges were filed relating to the arrest
507 or law enforcement interaction or criminal charges were filed
508 and subsequently dismissed or vacated or the arrestee was
509 acquitted.

510 (b) If the law enforcement agency is unable to verify
511 satisfaction of the condition in subparagraph (a)2., records
512 that satisfy the condition in subparagraph (a)1. shall be
513 automatically expunged.

514 (c) There is no limitation on the number of times a person
515 may obtain an automatic sealing for a criminal history record
516 described in paragraph (a).

517 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

518 (a)1. Records shall be expunged under the following
519 timelines:

520 a. Records created before the effective date of this act,
521 but on or after January 1, 2013, shall be automatically expunged
522 before January 1, 2024.

523 b. Records created before January 1, 2013, but on or after
524 January 1, 2000, shall be automatically expunged before January
525 1, 2025.

526 c. Records created before January 1, 2000, shall be
527 automatically expunged before January 1, 2026.

528 2. This section does not restrict or modify an
529 individual's right to have his or her records expunged except as
530 otherwise may be provided in this chapter, or diminish or
531 abrogate any rights or remedies otherwise available to the
532 individual.

533 (b) Upon the disposition of a criminal case resulting in a
534 criminal history record eligible for automatic sealing under
535 paragraph (2)(a), the clerk of the court shall transmit a
536 certified copy of the disposition of the criminal history record
537 to the department, which shall seal the criminal history record
538 upon receipt of the certified copy.

539 (c) Automatic sealing of a criminal history record does
540 not require sealing by the court or other criminal justice
541 agencies, or that such record be surrendered to the court, and
542 such record shall continue to be maintained by the department
543 and other criminal justice agencies.

544 (d) Except as provided in this section, automatic sealing
545 of a criminal history record shall have the same effect, and the
546 department may disclose such a record in the same manner, as a
547 record sealed under s. 943.059.

548 Section 6. The Legislature intends the prioritization of
549 rehabilitative health intervention in lieu of criminalization
550 for personal usage of controlled substances, including but is

551 not limited to stimulants including cocaine, methamphetamine,
552 opioids, heroin, fentanyl, depressants or benzodiazepines, and
553 other addictive controlled substances.

554 (1) Crimes associated with the personal usage and
555 possession of controlled substances that do not involve
556 production, distribution or sale shall be decriminalized in
557 favor or civil fines and referral for drug rehabilitation.

558 (2) The Department of Health shall conduct a study on more
559 effective methods of addressing drug addiction in lieu of
560 criminalizing. This study shall include but not be limited to
561 supervised drug consumption facilities, which have been proven
562 to reduce public disorder associated with drugs, and lead to a
563 drop in the behaviors linked to HIV and Hepatitis C
564 transmission; programs that have been successful in Seattle, San
565 Francisco and Philadelphia; and any other rehabilitative
566 centered solutions. The Department shall make a report to the
567 Governor, The President of the Senate, and the Speaker of the
568 House of Representatives no later than December 31, 2022.

569 Section 7. The Division of Law Revision is directed to
570 replace the phrases "the effective date of this act" and "the
571 effective date of this section" wherever they occur in this act
572 with the date this act becomes a law.

573 Section 8. This act shall take effect July 1, 2022.