

A bill to be entitled
 An act relating to expungement of juvenile criminal records; providing a short title; creating s. 943.0517, F.S.; providing for expunction of criminal history records for certain offenses committed by juveniles; providing requirements; providing procedures; providing for effect of expunction; amending s. 943.053, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. This act may be cited as the "Second Chance Act."

Section 2. Section 943.0517, Florida Statutes, is created to read:

943.0517 Expunction of records for offenders under the age of 18 at the time of commission of certain offenses upon completion of the sentence.-

(1) A person or the state attorney may file, with the circuit court of the county where the person was convicted, a petition for expunction of the person's criminal record of any misdemeanor or third degree felony not excluded by subsection

(2) if the offense was committed and while the person was less than 18 years of age, but at least 16 years of age. The petition

26 may not be filed until all active sentences, periods of
27 probation, and postrelease supervisions ordered for the offense
28 have been served.

29 (2) An offense is not eligible for expunction under this
30 section if it is an offense listed under s. 775.21(4)(a)1. or s.
31 943.0435(1)(h)1.a.(I)., whether or not the person is currently
32 required to register under s. 775.21(4)(a)1. or s.
33 943.0435(1)(h)1.a.(I).

34 (3) If the petition was not filed by the state attorney,
35 the petition shall be served upon the state attorney of the
36 court wherein the case was tried resulting in conviction. The
37 state attorney may, within 30 days after service is provided,
38 file any objection to the petition and shall be duly notified as
39 to the date of the hearing of the petition. If there are
40 victims, the state attorney shall make his or her best efforts
41 to contact the person, to notify him or her of the request for
42 expunction before the date of the hearing. Upon request by the
43 victim, he or she has a right to be present at any hearing on
44 the petition for expunction and the victim's views and concerns
45 shall be considered by the court at such hearing.

46 (4) If the court, after the hearing, finds:

47 (a) The offense was a misdemeanor or felony eligible for
48 expunction under this section;

49 (b) The offense was committed while the person was less
50 than 18 years of age, but at least 16 years of age; and

51 (c) All active sentences, periods of probation, and
52 postrelease supervisions ordered for the offense were completed
53
54 the court shall order that the person be restored, in the
55 contemplation of the law, to the status the person occupied
56 before such arrest or indictment or information, and that the
57 record be expunged from the records of the court. A person
58 convicted of multiple offenses is eligible to have those
59 convictions expunged pursuant to this section.

60 (5) Any petition for expunction under this section shall
61 be on a form approved by the Office of State Courts
62 Administrator and shall be filed with the clerk of circuit court
63 in the county where the person was convicted. Upon order of
64 expunction, the clerk shall forward the order to the department.

65 (6) (a) Any criminal history record which is ordered
66 expunged by a court of competent jurisdiction pursuant to this
67 section must be physically destroyed or obliterated by the
68 criminal justice agency having custody of such record, except
69 that any criminal history record in the custody of the
70 department must be retained in all cases.

71 (b) The person who is the subject of a criminal history
72 record that is expunged under this section may lawfully deny or
73 fail to acknowledge the arrests covered by the expunged record,
74 except when he or she:

75 1. Is a candidate for employment with a criminal justice

76 agency;
 77 2. Is a defendant in a criminal prosecution;
 78 3. Concurrently or subsequently petitions for relief under
 79 this section, s. 943.0583, or s. 943.059;
 80 4. Is a candidate for admission to The Florida Bar;
 81 5. Is seeking to be employed or licensed by or to contract
 82 with the Department of Children and Families, the Division of
 83 Vocational Rehabilitation within the Department of Education,
 84 the Agency for Health Care Administration, the Agency for
 85 Persons with Disabilities, the Department of Health, the
 86 Department of Elderly Affairs, or the Department of Juvenile
 87 Justice or to be employed or used by such contractor or licensee
 88 in a sensitive position having direct contact with children, the
 89 disabled, or the elderly;
 90 6. Is seeking to be employed or licensed by the Department
 91 of Education, any state school board, any university laboratory
 92 school, any charter school, any private or parochial school, or
 93 any local governmental entity that licenses child care
 94 facilities;
 95 7. Is seeking to be licensed by the Division of Insurance
 96 Agent and Agency Services within the Department of Financial
 97 Services; or
 98 8. Is seeking to be appointed as a guardian pursuant to s.
 99 744.3125.
 100 (c) Subject to the exceptions in paragraph (b), a person

101 who has been granted an expunction under this section may not be
102 held under any provision of general law of this state to commit
103 perjury or to be otherwise liable for giving a false statement
104 by reason of such person's failure to recite or acknowledge an
105 expunged criminal history record.

106 Section 3. Paragraph (c) of subsection (3) of section
107 943.053, Florida Statutes, is amended to read:

108 943.053 Dissemination of criminal justice information;
109 fees.—

110 (3)

111 (c)1. Criminal history information relating to juveniles,
112 including criminal history information consisting in whole or in
113 part of information that is confidential and exempt under
114 paragraph (b), shall be available to:

115 a. A criminal justice agency for criminal justice purposes
116 on a priority basis and free of charge;

117 b. The person to whom the record relates, or his or her
118 attorney;

119 c. The parent, guardian, or legal custodian of the person
120 to whom the record relates, provided such person has not reached
121 the age of majority, been emancipated by a court, or been
122 legally married; or

123 d. An agency or entity specified in s. 943.0517(6), s.
124 943.0585(6), or s. 943.059(6), for the purposes specified
125 therein, and to any person within such agency or entity who has

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126 direct responsibility for employment, access authorization, or
127 licensure decisions.

128 2. After providing the program with all known personal
129 identifying information, the criminal history information
130 relating to a juvenile which is not confidential and exempt
131 under this subsection may be released to the private sector and
132 noncriminal justice agencies not specified in s. 943.0517(6), s.
133 943.0585(6), or s. 943.059(6) in the same manner as provided in
134 paragraph (a). Criminal history information relating to a
135 juvenile which is not confidential and exempt under this
136 subsection is the entire criminal history information relating
137 to a juvenile who satisfies any of the criteria listed in
138 subparagraphs (b)1.-4., except for any portion of such
139 juvenile's criminal history record which has been expunged or
140 sealed under any law applicable to such record.

141 3. All criminal history information relating to juveniles,
142 other than that provided to criminal justice agencies for
143 criminal justice purposes, shall be provided upon tender of fees
144 as established in this subsection and in the manner prescribed
145 by rule of the Department of Law Enforcement.

146 Section 4. This act shall take effect July 1, 2022.