

1 A bill to be entitled  
 2 An act relating to expunging juvenile records;  
 3 creating s. 943.05825, F.S.; providing for petitions  
 4 by juveniles to have all records expunged under  
 5 certain circumstances; requiring notice of the  
 6 petition to certain parties; providing for hearings;  
 7 specifying factors to be considered in reviewing  
 8 petitions; providing for the effect of an expungement  
 9 order; 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 Expunging juvenile records.-

16 (1) A child 18 years of age or older may petition the  
 17 juvenile court for an order expunging all juvenile records of  
 18 the person relating to an unlawful act that:

19 (a) If committed by an adult, would have been a  
 20 misdemeanor; and

21 (b) Was committed by a child in need of services pursuant  
 22 to chapter 984.

23 (2) If a petition is filed pursuant to subsection (1), the  
 24 juvenile court shall notify the state attorney and the  
 25 Department of Juvenile Justice.

26       (3) The state attorney and the Department of Juvenile  
 27 Justice or any other person who has evidence that is relevant to  
 28 the consideration of a petition filed pursuant to subsection (1)  
 29 may testify at the hearing on the petition.

30       (4) After the hearing on a petition filed pursuant to  
 31 subsection (1), if the juvenile court finds that the child has  
 32 been rehabilitated to the satisfaction of the juvenile court,  
 33 the juvenile court shall enter an order expunging all records  
 34 described in subsection (1). In determining whether a child has  
 35 been rehabilitated to the satisfaction of the juvenile court,  
 36 the juvenile court may consider the factors listed in subsection  
 37 (1).

38       (5) If the juvenile court enters an order expunging the  
 39 records of a child pursuant to this section:

40       (a) All proceedings recounted in the records are deemed  
 41 never to have occurred.

42       (b) The child may reply accordingly to any inquiry  
 43 concerning the proceedings and the acts which brought about the  
 44 proceedings.

45       (c) All records must be:

46       1. Expunged that are in the custody of the juvenile court  
 47 or any other court.

48       2. Destroyed that are in the custody of:

49       a. A probation officer, probation department, law  
 50 enforcement agency, or the Department of Juvenile Justice; or

HB 1633

2023

51 b. Any other public officer or agency.

52 (6) If the juvenile court enters an order expunging the  
53 records relating to a child filed pursuant to subsection (1),  
54 the juvenile court shall send a copy of the order to each public  
55 officer or agency named in the order. Not later than 60 days  
56 after receipt of the order, each public officer or agency shall:

57 (a) Destroy the records in the custody of the public  
58 officer or agency, as directed by the order.

59 (b) Advise the juvenile court of compliance with the  
60 order.

61 (c) Destroy the copy of the order received by the public  
62 officer or agency.

63 Section 2. This act shall take effect July 1, 2023.