

HB 983

2013

1 A bill to be entitled  
2 An act relating to court-ordered expunction of  
3 criminal history records; amending s. 943.0585, F.S.;  
4 requiring the Department of Law Enforcement to  
5 disclose the contents of an expunged criminal history  
6 record to the subject of the record or the Parole  
7 Commission under certain circumstances; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (d) is added to subsection (4) of  
13 section 943.0585, Florida Statutes, to read:

14 943.0585 Court-ordered expunction of criminal history  
15 records.—The courts of this state have jurisdiction over their  
16 own procedures, including the maintenance, expunction, and  
17 correction of judicial records containing criminal history  
18 information to the extent such procedures are not inconsistent  
19 with the conditions, responsibilities, and duties established by  
20 this section. Any court of competent jurisdiction may order a  
21 criminal justice agency to expunge the criminal history record  
22 of a minor or an adult who complies with the requirements of  
23 this section. The court shall not order a criminal justice  
24 agency to expunge a criminal history record until the person  
25 seeking to expunge a criminal history record has applied for and  
26 received a certificate of eligibility for expunction pursuant to  
27 subsection (2). A criminal history record that relates to a  
28 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,

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29 | s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
30 | 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
31 | 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
32 | any violation specified as a predicate offense for registration  
33 | as a sexual predator pursuant to s. 775.21, without regard to  
34 | whether that offense alone is sufficient to require such  
35 | registration, or for registration as a sexual offender pursuant  
36 | to s. 943.0435, may not be expunged, without regard to whether  
37 | adjudication was withheld, if the defendant was found guilty of  
38 | or pled guilty or nolo contendere to the offense, or if the  
39 | defendant, as a minor, was found to have committed, or pled  
40 | guilty or nolo contendere to committing, the offense as a  
41 | delinquent act. The court may only order expunction of a  
42 | criminal history record pertaining to one arrest or one incident  
43 | of alleged criminal activity, except as provided in this  
44 | section. The court may, at its sole discretion, order the  
45 | expunction of a criminal history record pertaining to more than  
46 | one arrest if the additional arrests directly relate to the  
47 | original arrest. If the court intends to order the expunction of  
48 | records pertaining to such additional arrests, such intent must  
49 | be specified in the order. A criminal justice agency may not  
50 | expunge any record pertaining to such additional arrests if the  
51 | order to expunge does not articulate the intention of the court  
52 | to expunge a record pertaining to more than one arrest. This  
53 | section does not prevent the court from ordering the expunction  
54 | of only a portion of a criminal history record pertaining to one  
55 | arrest or one incident of alleged criminal activity.  
56 | Notwithstanding any law to the contrary, a criminal justice

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57 | agency may comply with laws, court orders, and official requests  
58 | of other jurisdictions relating to expunction, correction, or  
59 | confidential handling of criminal history records or information  
60 | derived therefrom. This section does not confer any right to the  
61 | expunction of any criminal history record, and any request for  
62 | expunction of a criminal history record may be denied at the  
63 | sole discretion of the court.

64 | (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
65 | criminal history record of a minor or an adult which is ordered  
66 | expunged by a court of competent jurisdiction pursuant to this  
67 | section must be physically destroyed or obliterated by any  
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. A criminal history  
71 | record ordered expunged that is retained by the department is  
72 | confidential and exempt from the provisions of s. 119.07(1) and  
73 | s. 24(a), Art. I of the State Constitution and not available to  
74 | any person or entity except upon order of a court of competent  
75 | jurisdiction. A criminal justice agency may retain a notation  
76 | indicating compliance with an order to expunge.

77 | (d) Upon receipt of a written, notarized request from the  
78 | subject of the record, the department shall disclose the  
79 | contents of an expunged criminal history record to the subject  
80 | of the record or the Parole Commission.

81 | Section 2. This act shall take effect July 1, 2013.