

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Combee offered the following:

Amendment (with title amendment)

5 Between lines 188 and 189, insert:

6 Section 8. Section 776.09, Florida Statutes, is created to
 7 read:

8 776.09 Notwithstanding the eligibility requirements
 9 pursuant to s. 943.0585(2), a person who has an information,
 10 indictment, or other charging document either not filed or
 11 dismissed by the state attorney, or dismissed by the court
 12 because it was found that the person acted in lawful self-
 13 defense pursuant to the provisions related to the justifiable
 14 use of force in ch. 776, is eligible to apply for and receive a
 15 certificate of eligibility for expunction under s. 943.0585.
 16 This section does not confer any right to the expunction of a
 17 criminal history record, and any request for expunction of a

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18 criminal history record may be denied at the discretion of the
19 court.

20 Section 9. Subsection (5) of section 943.0585, Florida
21 Statutes, is renumbered as subsection (6), respectively, and
22 subsection (5) is added to that section, to read:

23 943.0585 Court-ordered expunction of criminal history
24 records.—The courts of this state have jurisdiction over their
25 own procedures, including the maintenance, expunction, and
26 correction of judicial records containing criminal history
27 information to the extent such procedures are not inconsistent
28 with the conditions, responsibilities, and duties established by
29 this section. Any court of competent jurisdiction may order a
30 criminal justice agency to expunge the criminal history record
31 of a minor or an adult who complies with the requirements of
32 this section. The court shall not order a criminal justice
33 agency to expunge a criminal history record until the person
34 seeking to expunge a criminal history record has applied for and
35 received a certificate of eligibility for expunction pursuant to
36 subsection (2). A criminal history record that relates to a
37 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
38 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
39 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
40 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
41 any violation specified as a predicate offense for registration
42 as a sexual predator pursuant to s. 775.21, without regard to
43 whether that offense alone is sufficient to require such

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44 registration, or for registration as a sexual offender pursuant
45 to s. 943.0435, may not be expunged, without regard to whether
46 adjudication was withheld, if the defendant was found guilty of
47 or pled guilty or nolo contendere to the offense, or if the
48 defendant, as a minor, was found to have committed, or pled
49 guilty or nolo contendere to committing, the offense as a
50 delinquent act. The court may only order expunction of a
51 criminal history record pertaining to one arrest or one incident
52 of alleged criminal activity, except as provided in this
53 section. The court may, at its sole discretion, order the
54 expunction of a criminal history record pertaining to more than
55 one arrest if the additional arrests directly relate to the
56 original arrest. If the court intends to order the expunction of
57 records pertaining to such additional arrests, such intent must
58 be specified in the order. A criminal justice agency may not
59 expunge any record pertaining to such additional arrests if the
60 order to expunge does not articulate the intention of the court
61 to expunge a record pertaining to more than one arrest. This
62 section does not prevent the court from ordering the expunction
63 of only a portion of a criminal history record pertaining to one
64 arrest or one incident of alleged criminal activity.

65 Notwithstanding any law to the contrary, a criminal justice
66 agency may comply with laws, court orders, and official requests
67 of other jurisdictions relating to expunction, correction, or
68 confidential handling of criminal history records or information
69 derived therefrom. This section does not confer any right to the

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70 expunction of any criminal history record, and any request for
71 expunction of a criminal history record may be denied at the
72 sole discretion of the court.

73 (5) Notwithstanding the eligibility requirements pursuant
74 to s. 943.0585(2), a person who has an information, indictment,
75 or other charging document either not filed or dismissed by the
76 state attorney, or dismissed by the court because it was found
77 that the person acted in lawful self-defense pursuant to the
78 provisions related to the justifiable use of force in ch. 776,
79 is eligible to apply for and receive a certificate of
80 eligibility for expunction under s. 943.0585. This subsection
81 does not confer any right to the expunction of a criminal
82 history record, and any request for expunction of a criminal
83 history record may be denied at the discretion of the court.

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88 **T I T L E A M E N D M E N T**

89 Remove line 22 and insert:

90 officer; creating s. 776.09, F.S.; providing that a person is
91 eligible to apply for and receive a certificate of eligibility
92 for expunction, notwithstanding the eligibility requirements, if
93 the charging document in the case is not filed or is dismissed
94 because it is found that the person acted in lawful self-defense
95 pursuant to the provisions related to the justifiable use of

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96 force in ch. 776; amending s. 943.0585, F.S.; providing that a
97 person is eligible to apply for and receive a certificate of
98 eligibility for expunction, notwithstanding the eligibility
99 requirements, if the charging document in the case is not filed
100 or is dismissed because it is found that the person acted in
101 lawful self-defense pursuant to the provisions related to the
102 justifiable use of force in ch. 776; providing an effective
103 date.

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