

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Governmental Operations offered the  
12 following:

13  
14 **Amendment (with directory language amendment)**

15 On page 6, between lines 20 & 21, of the bill  
16 insert:

17 (a) The person who is the subject of a criminal  
18 history record that is expunged under this section or under  
19 other provisions of law, including former s. 893.14, former s.  
20 901.33, and former s. 943.058, may lawfully deny or fail to  
21 acknowledge the arrests covered by the expunged record, except  
22 when the subject of the record:

- 23 1. Is a candidate for employment with a criminal
- 24 justice agency;
- 25 2. Is a defendant in a criminal prosecution;
- 26 3. Concurrently or subsequently petitions for relief
- 27 under this section or s.943.059;
- 28 4. Is a candidate for admission to The Florida Bar;
- 29 5. Is seeking to be employed or licensed by or to
- 30 contract with the Department of Children and Family Services
- 31 or the Department of Juvenile Justice or to be employed or

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1 used by such contractor or licensee in a sensitive position  
2 having direct contact with children, the developmentally  
3 disabled, the aged, or the elderly as provided in s.  
4 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
5 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
6 415.1075(4), s. 985.407, or chapter 400; ~~or~~

7 6. Is seeking to be employed or licensed by the Office  
8 of Teacher Education, Certification, Staff Development, and  
9 Professional Practices of the Department of Education, any  
10 district school board, or any local governmental entity that  
11 licenses child care facilities; ~~or~~

12 7. Is seeking to be employed or licensed by or to  
13 contract with the Department of Health or to be employed or  
14 used by such contractor or licensee in a sensitive position  
15 having direct contact with children, the developmentally  
16 disabled, the aged, or the elderly as provided in s.  
17 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
18 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
19 415.1075(4), s. 985.407, or chapter 400.

20 (b) Subject to the exceptions in paragraph (a), a  
21 person who has been granted an expunction under this section,  
22 former s. 893.14, former s. 901.33, or former s. 943.058 may  
23 not be held under any provision of law of this state to commit  
24 perjury or to be otherwise liable for giving a false statement  
25 by reason of such person's failure to recite or acknowledge an  
26 expunged criminal history record.

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29 == D I R E C T O R Y L A N G U A G E A M E N D M E N T ==  
30 And the directory language is amended as follows:

31 On page 4, lines 22 and 23,

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1 remove: all of said lines  
2  
3 and insert in lieu thereof:  
4           Section 5. Paragraphs (a) and (c) of subsection (4) of  
5 section 943.0585, Florida Statutes, are amended to read:  
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