

By the Committee on Criminal Justice; and Senator Smith

307-1663-03

1                                   A bill to be entitled  
2           An act relating to criminal history records;  
3           amending s. 943.0585, F.S.; prohibiting the  
4           expunction of a criminal history record  
5           concerning a defendant who was found guilty of,  
6           or who pled guilty or nolo contendere to, the  
7           offense of voyeurism, regardless of whether  
8           adjudication was withheld; amending s. 943.059,  
9           F.S.; prohibiting the sealing of a criminal  
10          history record concerning a defendant who was  
11          found guilty of, or who pled guilty or nolo  
12          contendere to the offense of voyeurism,  
13          regardless of whether adjudication was  
14          withheld; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 943.0585, Florida Statutes, is  
19 amended to read:

20           943.0585 Court-ordered expunction of criminal history  
21 records.--The courts of this state have jurisdiction over  
22 their own procedures, including the maintenance, expunction,  
23 and correction of judicial records containing criminal history  
24 information to the extent such procedures are not inconsistent  
25 with the conditions, responsibilities, and duties established  
26 by this section. Any court of competent jurisdiction may order  
27 a criminal justice agency to expunge the criminal history  
28 record of a minor or an adult who complies with the  
29 requirements of this section. The court shall not order a  
30 criminal justice agency to expunge a criminal history record  
31 until the person seeking to expunge a criminal history record

1 has applied for and received a certificate of eligibility for  
2 expunction pursuant to subsection (2). A criminal history  
3 record that relates to a violation of s. 787.025, chapter 794,  
4 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
5 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,  
6 s. 893.135, or a violation enumerated in s. 907.041 may not be  
7 expunged, without regard to whether adjudication was withheld,  
8 if the defendant was found guilty of or pled guilty or nolo  
9 contendere to the offense, or if the defendant, as a minor,  
10 was found to have committed, or pled guilty or nolo contendere  
11 to committing, the offense as a delinquent act. The court may  
12 only order expunction of a criminal history record pertaining  
13 to one arrest or one incident of alleged criminal activity,  
14 except as provided in this section. The court may, at its sole  
15 discretion, order the expunction of a criminal history record  
16 pertaining to more than one arrest if the additional arrests  
17 directly relate to the original arrest. If the court intends  
18 to order the expunction of records pertaining to such  
19 additional arrests, such intent must be specified in the  
20 order. A criminal justice agency may not expunge any record  
21 pertaining to such additional arrests if the order to expunge  
22 does not articulate the intention of the court to expunge a  
23 record pertaining to more than one arrest. This section does  
24 not prevent the court from ordering the expunction of only a  
25 portion of a criminal history record pertaining to one arrest  
26 or one incident of alleged criminal activity. Notwithstanding  
27 any law to the contrary, a criminal justice agency may comply  
28 with laws, court orders, and official requests of other  
29 jurisdictions relating to expunction, correction, or  
30 confidential handling of criminal history records or  
31 information derived therefrom. This section does not confer

1 any right to the expunction of any criminal history record,  
2 and any request for expunction of a criminal history record  
3 may be denied at the sole discretion of the court.

4 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY  
5 RECORD.--Each petition to a court to expunge a criminal  
6 history record is complete only when accompanied by:

7 (a) A certificate of eligibility for expunction issued  
8 by the department pursuant to subsection (2).

9 (b) The petitioner's sworn statement attesting that  
10 the petitioner:

11 1. Has never, prior to the date on which the petition  
12 is filed, been adjudicated guilty of a criminal offense or  
13 comparable ordinance violation or adjudicated delinquent for  
14 committing a felony or a misdemeanor specified in s.  
15 943.051(3)(b).

16 2. Has not been adjudicated guilty of, or adjudicated  
17 delinquent for committing, any of the acts stemming from the  
18 arrest or alleged criminal activity to which the petition  
19 pertains.

20 3. Has never secured a prior sealing or expunction of  
21 a criminal history record under this section, former s.  
22 893.14, former s. 901.33, or former s. 943.058, or from any  
23 jurisdiction outside the state.

24 4. Is eligible for such an expunction to the best of  
25 his or her knowledge or belief and does not have any other  
26 petition to expunge or any petition to seal pending before any  
27 court.

28  
29 Any person who knowingly provides false information on such  
30 sworn statement to the court commits a felony of the third  
31

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior  
4 to petitioning the court to expunge a criminal history record,  
5 a person seeking to expunge a criminal history record shall  
6 apply to the department for a certificate of eligibility for  
7 expunction. The department shall, by rule adopted pursuant to  
8 chapter 120, establish procedures pertaining to the  
9 application for and issuance of certificates of eligibility  
10 for expunction. The department shall issue a certificate of  
11 eligibility for expunction to a person who is the subject of a  
12 criminal history record if that person:

13 (a) Has obtained, and submitted to the department, a  
14 written, certified statement from the appropriate state  
15 attorney or statewide prosecutor which indicates:

16 1. That an indictment, information, or other charging  
17 document was not filed or issued in the case.

18 2. That an indictment, information, or other charging  
19 document, if filed or issued in the case, was dismissed or  
20 nolle prosequi by the state attorney or statewide prosecutor,  
21 or was dismissed by a court of competent jurisdiction.

22 3. That the criminal history record does not relate to  
23 a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04,  
24 s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839,  
25 s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a  
26 violation enumerated in s. 907.041, where the defendant was  
27 found guilty of, or pled guilty or nolo contendere to any such  
28 offense, or that the defendant, as a minor, was found to have  
29 committed, or pled guilty or nolo contendere to committing,  
30 such an offense as a delinquent act, without regard to whether  
31 adjudication was withheld.

1 (b) Remits a \$75 processing fee to the department for  
2 placement in the Department of Law Enforcement Operating Trust  
3 Fund, unless such fee is waived by the executive director.

4 (c) Has submitted to the department a certified copy  
5 of the disposition of the charge to which the petition to  
6 expunge pertains.

7 (d) Has never, prior to the date on which the  
8 application for a certificate of eligibility is filed, been  
9 adjudicated guilty of a criminal offense or comparable  
10 ordinance violation or adjudicated delinquent for committing a  
11 felony or a misdemeanor specified in s. 943.051(3)(b).

12 (e) Has not been adjudicated guilty of, or adjudicated  
13 delinquent for committing, any of the acts stemming from the  
14 arrest or alleged criminal activity to which the petition to  
15 expunge pertains.

16 (f) Has never secured a prior sealing or expunction of  
17 a criminal history record under this section, former s.  
18 893.14, former s. 901.33, or former s. 943.058.

19 (g) Is no longer under court supervision applicable to  
20 the disposition of the arrest or alleged criminal activity to  
21 which the petition to expunge pertains.

22 (h) Is not required to wait a minimum of 10 years  
23 prior to being eligible for an expunction of such records  
24 because all charges related to the arrest or criminal activity  
25 to which the petition to expunge pertains were dismissed prior  
26 to trial, adjudication, or the withholding of adjudication.  
27 Otherwise, such criminal history record must be sealed under  
28 this section, former s. 893.14, former s. 901.33, or former s.  
29 943.058 for at least 10 years before such record is eligible  
30 for expunction.

31 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

1 (a) In judicial proceedings under this section, a copy  
2 of the completed petition to expunge shall be served upon the  
3 appropriate state attorney or the statewide prosecutor and  
4 upon the arresting agency; however, it is not necessary to  
5 make any agency other than the state a party. The appropriate  
6 state attorney or the statewide prosecutor and the arresting  
7 agency may respond to the court regarding the completed  
8 petition to expunge.

9 (b) If relief is granted by the court, the clerk of  
10 the court shall certify copies of the order to the appropriate  
11 state attorney or the statewide prosecutor and the arresting  
12 agency. The arresting agency is responsible for forwarding the  
13 order to any other agency to which the arresting agency  
14 disseminated the criminal history record information to which  
15 the order pertains. The department shall forward the order to  
16 expunge to the Federal Bureau of Investigation. The clerk of  
17 the court shall certify a copy of the order to any other  
18 agency which the records of the court reflect has received the  
19 criminal history record from the court.

20 (c) For an order to expunge entered by a court prior  
21 to July 1, 1992, the department shall notify the appropriate  
22 state attorney or statewide prosecutor of an order to expunge  
23 which is contrary to law because the person who is the subject  
24 of the record has previously been convicted of a crime or  
25 comparable ordinance violation or has had a prior criminal  
26 history record sealed or expunged. Upon receipt of such  
27 notice, the appropriate state attorney or statewide prosecutor  
28 shall take action, within 60 days, to correct the record and  
29 petition the court to void the order to expunge. The  
30 department shall seal the record until such time as the order  
31 is voided by the court.

1           (d) On or after July 1, 1992, the department or any  
2 other criminal justice agency is not required to act on an  
3 order to expunge entered by a court when such order does not  
4 comply with the requirements of this section. Upon receipt of  
5 such an order, the department must notify the issuing court,  
6 the appropriate state attorney or statewide prosecutor, the  
7 petitioner or the petitioner's attorney, and the arresting  
8 agency of the reason for noncompliance. The appropriate state  
9 attorney or statewide prosecutor shall take action within 60  
10 days to correct the record and petition the court to void the  
11 order. No cause of action, including contempt of court, shall  
12 arise against any criminal justice agency for failure to  
13 comply with an order to expunge when the petitioner for such  
14 order failed to obtain the certificate of eligibility as  
15 required by this section or such order does not otherwise  
16 comply with the requirements of this section.

17           (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
18 criminal history record of a minor or an adult which is  
19 ordered expunged by a court of competent jurisdiction pursuant  
20 to this section must be physically destroyed or obliterated by  
21 any criminal justice agency having custody of such record;  
22 except that any criminal history record in the custody of the  
23 department must be retained in all cases. A criminal history  
24 record ordered expunged that is retained by the department is  
25 confidential and exempt from the provisions of s. 119.07(1)  
26 and s. 24(a), Art. I of the State Constitution and not  
27 available to any person or entity except upon order of a court  
28 of competent jurisdiction. A criminal justice agency may  
29 retain a notation indicating compliance with an order to  
30 expunge.

31

1 (a) The person who is the subject of a criminal  
2 history record that is expunged under this section or under  
3 other provisions of law, including former s. 893.14, former s.  
4 901.33, and former s. 943.058, may lawfully deny or fail to  
5 acknowledge the arrests covered by the expunged record, except  
6 when the subject of the record:

7 1. Is a candidate for employment with a criminal  
8 justice agency;

9 2. Is a defendant in a criminal prosecution;

10 3. Concurrently or subsequently petitions for relief  
11 under this section or s. 943.059;

12 4. Is a candidate for admission to The Florida Bar;

13 5. Is seeking to be employed or licensed by or to  
14 contract with the Department of Children and Family Services  
15 or the Department of Juvenile Justice or to be employed or  
16 used by such contractor or licensee in a sensitive position  
17 having direct contact with children, the developmentally  
18 disabled, the aged, or the elderly as provided in s.  
19 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
20 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
21 985.407, or chapter 400; or

22 6. Is seeking to be employed or licensed by the Office  
23 of Teacher Education, Certification, Staff Development, and  
24 Professional Practices of the Department of Education, any  
25 district school board, or any local governmental entity that  
26 licenses child care facilities.

27 (b) Subject to the exceptions in paragraph (a), a  
28 person who has been granted an expunction under this section,  
29 former s. 893.14, former s. 901.33, or former s. 943.058 may  
30 not be held under any provision of law of this state to commit  
31 perjury or to be otherwise liable for giving a false statement



1 by reason of such person's failure to recite or acknowledge an  
2 expunged criminal history record.

3 (c) Information relating to the existence of an  
4 expunged criminal history record which is provided in  
5 accordance with paragraph (a) is confidential and exempt from  
6 the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
7 State Constitution, except that the department shall disclose  
8 the existence of a criminal history record ordered expunged to  
9 the entities set forth in subparagraphs (a)1., 4., 5., and 6.  
10 for their respective licensing and employment purposes, and to  
11 criminal justice agencies for their respective criminal  
12 justice purposes. It is unlawful for any employee of an entity  
13 set forth in subparagraph (a)1., subparagraph (a)4.,  
14 subparagraph (a)5., or subparagraph (a)6. to disclose  
15 information relating to the existence of an expunged criminal  
16 history record of a person seeking employment or licensure  
17 with such entity or contractor, except to the person to whom  
18 the criminal history record relates or to persons having  
19 direct responsibility for employment or licensure decisions.  
20 Any person who violates this paragraph commits a misdemeanor  
21 of the first degree, punishable as provided in s. 775.082 or  
22 s. 775.083.

23 (5) STATUTORY REFERENCES.--Any reference to any other  
24 chapter, section, or subdivision of the Florida Statutes in  
25 this section constitutes a general reference under the  
26 doctrine of incorporation by reference.

27 Section 2. Section 943.059, Florida Statutes, is  
28 amended to read:

29 943.059 Court-ordered sealing of criminal history  
30 records.--The courts of this state shall continue to have  
31 jurisdiction over their own procedures, including the

1 maintenance, sealing, and correction of judicial records  
2 containing criminal history information to the extent such  
3 procedures are not inconsistent with the conditions,  
4 responsibilities, and duties established by this section. Any  
5 court of competent jurisdiction may order a criminal justice  
6 agency to seal the criminal history record of a minor or an  
7 adult who complies with the requirements of this section. The  
8 court shall not order a criminal justice agency to seal a  
9 criminal history record until the person seeking to seal a  
10 criminal history record has applied for and received a  
11 certificate of eligibility for sealing pursuant to subsection  
12 (2). A criminal history record that relates to a violation of  
13 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s.  
14 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.  
15 847.0135, s. 847.0145, s. 893.135, or a violation enumerated  
16 in s. 907.041 may not be sealed, without regard to whether  
17 adjudication was withheld, if the defendant was found guilty  
18 of or pled guilty or nolo contendere to the offense, or if the  
19 defendant, as a minor, was found to have committed or pled  
20 guilty or nolo contendere to committing the offense as a  
21 delinquent act. The court may only order sealing of a criminal  
22 history record pertaining to one arrest or one incident of  
23 alleged criminal activity, except as provided in this section.  
24 The court may, at its sole discretion, order the sealing of a  
25 criminal history record pertaining to more than one arrest if  
26 the additional arrests directly relate to the original arrest.  
27 If the court intends to order the sealing of records  
28 pertaining to such additional arrests, such intent must be  
29 specified in the order. A criminal justice agency may not seal  
30 any record pertaining to such additional arrests if the order  
31 to seal does not articulate the intention of the court to seal

1 records pertaining to more than one arrest. This section does  
2 not prevent the court from ordering the sealing of only a  
3 portion of a criminal history record pertaining to one arrest  
4 or one incident of alleged criminal activity. Notwithstanding  
5 any law to the contrary, a criminal justice agency may comply  
6 with laws, court orders, and official requests of other  
7 jurisdictions relating to sealing, correction, or confidential  
8 handling of criminal history records or information derived  
9 therefrom. This section does not confer any right to the  
10 sealing of any criminal history record, and any request for  
11 sealing a criminal history record may be denied at the sole  
12 discretion of the court.

13 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each  
14 petition to a court to seal a criminal history record is  
15 complete only when accompanied by:

16 (a) A certificate of eligibility for sealing issued by  
17 the department pursuant to subsection (2).

18 (b) The petitioner's sworn statement attesting that  
19 the petitioner:

20 1. Has never, prior to the date on which the petition  
21 is filed, been adjudicated guilty of a criminal offense or  
22 comparable ordinance violation or adjudicated delinquent for  
23 committing a felony or a misdemeanor specified in s.  
24 943.051(3)(b).

25 2. Has not been adjudicated guilty of or adjudicated  
26 delinquent for committing any of the acts stemming from the  
27 arrest or alleged criminal activity to which the petition to  
28 seal pertains.

29 3. Has never secured a prior sealing or expunction of  
30 a criminal history record under this section, former s.

31

1 893.14, former s. 901.33, former s. 943.058, or from any  
2 jurisdiction outside the state.

3 4. Is eligible for such a sealing to the best of his  
4 or her knowledge or belief and does not have any other  
5 petition to seal or any petition to expunge pending before any  
6 court.

7  
8 Any person who knowingly provides false information on such  
9 sworn statement to the court commits a felony of the third  
10 degree, punishable as provided in s. 775.082, s. 775.083, or  
11 s. 775.084.

12 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to  
13 petitioning the court to seal a criminal history record, a  
14 person seeking to seal a criminal history record shall apply  
15 to the department for a certificate of eligibility for  
16 sealing. The department shall, by rule adopted pursuant to  
17 chapter 120, establish procedures pertaining to the  
18 application for and issuance of certificates of eligibility  
19 for sealing. The department shall issue a certificate of  
20 eligibility for sealing to a person who is the subject of a  
21 criminal history record provided that such person:

22 (a) Has submitted to the department a certified copy  
23 of the disposition of the charge to which the petition to seal  
24 pertains.

25 (b) Remits a \$75 processing fee to the department for  
26 placement in the Department of Law Enforcement Operating Trust  
27 Fund, unless such fee is waived by the executive director.

28 (c) Has never, prior to the date on which the  
29 application for a certificate of eligibility is filed, been  
30 adjudicated guilty of a criminal offense or comparable

31

1 ordinance violation or adjudicated delinquent for committing a  
2 felony or a misdemeanor specified in s. 943.051(3)(b).

3 (d) Has not been adjudicated guilty of or adjudicated  
4 delinquent for committing any of the acts stemming from the  
5 arrest or alleged criminal activity to which the petition to  
6 seal pertains.

7 (e) Has never secured a prior sealing or expunction of  
8 a criminal history record under this section, former s.  
9 893.14, former s. 901.33, or former s. 943.058.

10 (f) Is no longer under court supervision applicable to  
11 the disposition of the arrest or alleged criminal activity to  
12 which the petition to seal pertains.

13 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.--

14 (a) In judicial proceedings under this section, a copy  
15 of the completed petition to seal shall be served upon the  
16 appropriate state attorney or the statewide prosecutor and  
17 upon the arresting agency; however, it is not necessary to  
18 make any agency other than the state a party. The appropriate  
19 state attorney or the statewide prosecutor and the arresting  
20 agency may respond to the court regarding the completed  
21 petition to seal.

22 (b) If relief is granted by the court, the clerk of  
23 the court shall certify copies of the order to the appropriate  
24 state attorney or the statewide prosecutor and to the  
25 arresting agency. The arresting agency is responsible for  
26 forwarding the order to any other agency to which the  
27 arresting agency disseminated the criminal history record  
28 information to which the order pertains. The department shall  
29 forward the order to seal to the Federal Bureau of  
30 Investigation. The clerk of the court shall certify a copy of  
31 the order to any other agency which the records of the court

1 reflect has received the criminal history record from the  
2 court.

3 (c) For an order to seal entered by a court prior to  
4 July 1, 1992, the department shall notify the appropriate  
5 state attorney or statewide prosecutor of any order to seal  
6 which is contrary to law because the person who is the subject  
7 of the record has previously been convicted of a crime or  
8 comparable ordinance violation or has had a prior criminal  
9 history record sealed or expunged. Upon receipt of such  
10 notice, the appropriate state attorney or statewide prosecutor  
11 shall take action, within 60 days, to correct the record and  
12 petition the court to void the order to seal. The department  
13 shall seal the record until such time as the order is voided  
14 by the court.

15 (d) On or after July 1, 1992, the department or any  
16 other criminal justice agency is not required to act on an  
17 order to seal entered by a court when such order does not  
18 comply with the requirements of this section. Upon receipt of  
19 such an order, the department must notify the issuing court,  
20 the appropriate state attorney or statewide prosecutor, the  
21 petitioner or the petitioner's attorney, and the arresting  
22 agency of the reason for noncompliance. The appropriate state  
23 attorney or statewide prosecutor shall take action within 60  
24 days to correct the record and petition the court to void the  
25 order. No cause of action, including contempt of court, shall  
26 arise against any criminal justice agency for failure to  
27 comply with an order to seal when the petitioner for such  
28 order failed to obtain the certificate of eligibility as  
29 required by this section or when such order does not comply  
30 with the requirements of this section.

31

1           (e) An order sealing a criminal history record  
2 pursuant to this section does not require that such record be  
3 surrendered to the court, and such record shall continue to be  
4 maintained by the department and other criminal justice  
5 agencies.

6           (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A  
7 criminal history record of a minor or an adult which is  
8 ordered sealed by a court of competent jurisdiction pursuant  
9 to this section is confidential and exempt from the provisions  
10 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
11 and is available only to the person who is the subject of the  
12 record, to the subject's attorney, to criminal justice  
13 agencies for their respective criminal justice purposes, or to  
14 those entities set forth in subparagraphs (a)1., 4., 5., and  
15 6. for their respective licensing and employment purposes.

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

- 21           1. Is a candidate for employment with a criminal  
22 justice agency;
- 23           2. Is a defendant in a criminal prosecution;
- 24           3. Concurrently or subsequently petitions for relief  
25 under this section or s. 943.0585;
- 26           4. Is a candidate for admission to The Florida Bar;
- 27           5. Is seeking to be employed or licensed by or to  
28 contract with the Department of Children and Family Services  
29 or the Department of Juvenile Justice or to be employed or  
30 used by such contractor or licensee in a sensitive position  
31 having direct contact with children, the developmentally

1 disabled, the aged, or the elderly as provided in s.  
2 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
3 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
4 415.103, s. 985.407, or chapter 400; or

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

10 (b) Subject to the exceptions in paragraph (a), a  
11 person who has been granted a sealing under this section,  
12 former s. 893.14, former s. 901.33, or former s. 943.058 may  
13 not be held under any provision of law of this state to commit  
14 perjury or to be otherwise liable for giving a false statement  
15 by reason of such person's failure to recite or acknowledge a  
16 sealed criminal history record.

17 (c) Information relating to the existence of a sealed  
18 criminal record provided in accordance with the provisions of  
19 paragraph (a) is confidential and exempt from the provisions  
20 of s. 119.07(1) and s. 24(a), Art. I of the State  
21 Constitution, except that the department shall disclose the  
22 sealed criminal history record to the entities set forth in  
23 subparagraphs (a)1., 4., 5., and 6. for their respective  
24 licensing and employment purposes. It is unlawful for any  
25 employee of an entity set forth in subparagraph (a)1.,  
26 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.  
27 to disclose information relating to the existence of a sealed  
28 criminal history record of a person seeking employment or  
29 licensure with such entity or contractor, except to the person  
30 to whom the criminal history record relates or to persons  
31 having direct responsibility for employment or licensure



1 decisions. Any person who violates the provisions of this  
2 paragraph commits a misdemeanor of the first degree,  
3 punishable as provided in s. 775.082 or s. 775.083.

4 (5) STATUTORY REFERENCES.--Any reference to any other  
5 chapter, section, or subdivision of the Florida Statutes in  
6 this section constitutes a general reference under the  
7 doctrine of incorporation by reference.

8 Section 3. This act shall take effect July 1, 2003.

9

10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 Senate Bill 142

12

13 Prohibits sealing (SB 142 only prohibited expunction) a  
14 criminal history record when the subject of the record is  
15 found guilty of or pleads guilty to or nolo contendere to the  
16 offense of voyeurism, regardless of whether adjudication is  
17 withheld.

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31