

1 A bill to be entitled
 2 An act relating to expunging or sealing certain
 3 criminal history records; authorizing a person to
 4 apply to the Department of Law Enforcement for a
 5 certificate of eligibility to expunge or seal his or
 6 her criminal history record for certain specified
 7 traffic violations; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. A person who has been found guilty of,
 12 regardless of adjudication, has entered a plea of nolo
 13 contendere or guilty to, or has been adjudicated delinquent for
 14 any of the following traffic violations may apply to the
 15 Department of Law Enforcement for a certificate of eligibility
 16 to expunge or seal his or her criminal history record pursuant
 17 to s. 943.0585 or s. 943.059, Florida Statutes, respectively:

18 (1) Submitting a false affidavit in violation of s.
 19 316.0083(1)(d)4., Florida Statutes.

20 (2) Failing to immediately stop a vehicle at the scene of
 21 a crash resulting in damage to a vehicle or other property in
 22 violation of s. 316.061(1), Florida Statutes.

23 (3) Failing to immediately stop a vehicle at the scene of
 24 a crash involving a vehicle or other property that is unattended
 25 in violation of s. 316.063(1), Florida Statutes.

26 (4) Providing false information and reports in violation
 27 of s. 316.067, Florida Statutes.

28 (5) For a nongovernmental entity, using a traffic control

29 device at any place where the general public is invited which
 30 does not conform to the uniform system of traffic control
 31 devices adopted by the Department of Transportation in violation
 32 of s. 316.0747, Florida Statutes.

33 (6) Engaging in drag racing or other speed competition on
 34 the highways of the state in violation of s. 316.191(3)(a),
 35 Florida Statutes.

36 (7) Engaging in drag racing or other speed competition on
 37 the highways of the state, a second violation, in violation of
 38 s. 316.191(3)(b), Florida Statutes.

39 (8) Engaging in drag racing or other speed competition on
 40 the highways of the state, a third or subsequent violation, in
 41 violation of s. 316.191(3)(c), Florida Statutes.

42 (9) Driving a vehicle in willful or wanton disregard for
 43 the safety of persons or property, or reckless driving in
 44 violation of s. 316.192(2)(a), Florida Statutes.

45 (10) Driving a vehicle in willful or wanton disregard for
 46 the safety of persons or property, or reckless driving, a second
 47 or subsequent violation, in violation of s. 316.192(2)(b),
 48 Florida Statutes.

49 (11) Driving a vehicle in willful or wanton disregard for
 50 the safety of persons or property, or reckless driving, and
 51 causing damage to the property or person of another in violation
 52 of s. 316.192(3)(c)1., Florida Statutes.

53 (12) Driving a vehicle in willful or wanton disregard for
 54 the safety of persons or property, or reckless driving, and
 55 causing serious bodily injury to another in violation of s.
 56 316.192(3)(c)2., Florida Statutes.

57 (13) Exceeding the speed limit in excess of 50 miles per
 58 hour or more in violation of s. 316.1926(2), Florida Statutes.

59 (14) Driving under the influence, a first violation, in
 60 violation of s. 316.193(2) (a), Florida Statutes.

61 (15) Driving under the influence, a second violation, in
 62 violation of s. 316.193(2) (a)3., Florida Statutes.

63 (16) Driving under the influence, a third or subsequent
 64 violation, in violation of s. 316.193(2) (b), Florida Statutes.

65 (17) Driving under the influence and causing or
 66 contributing to damage to the property or person of another in
 67 violation of s. 316.193(3) (c)1., Florida Statutes.

68 (18) Driving under the influence and causing or
 69 contributing to serious bodily injury to another in violation of
 70 s. 316.193(3) (c)2., Florida Statutes.

71 (19) Driving under the influence and having a blood-
 72 alcohol level or breath-alcohol level of 0.15 or higher in
 73 violation of s. 316.193(4), Florida Statutes.

74 (20) Driving under the influence while being accompanied
 75 in the vehicle by a person under the age of 18 years in
 76 violation of s. 316.193(4), Florida Statutes.

77 (21) Obstructing the free, convenient, and normal use of
 78 any public street, highway, or road in order to solicit in
 79 violation of s. 316.2045(2), Florida Statutes.

80 (22) For a motor vehicle dealer, knowingly and willfully
 81 offering or displaying for retail sale or lease, or transferring
 82 title to, a motor vehicle in this state whose air pollution
 83 control equipment has been tampered with in violation of s.
 84 316.2935(5) (a), Florida Statutes.

HB 1341

2012

85 (23) For a motor vehicle dealer, knowingly and willfully
86 offering or displaying for retail sale or lease, or transferring
87 title to, a motor vehicle in this state whose air pollution
88 control equipment has been tampered with, a second or subsequent
89 violation, in violation of s. 316.2935(5)(b), Florida Statutes.

90 (24) Selling or installing sunscreening material in
91 violation of s. 316.2956(3), Florida Statutes.

92 (25) Presenting proof of insurance as required by law
93 knowing that the insurance as represented by such proof of
94 insurance is not currently in force in violation of s.
95 316.646(4), Florida Statutes.

96 (26) Failing, within 10 days after receipt of a demand by
97 the Department of Highway Safety and Motor Vehicles, to return a
98 certificate of title to the department as required by law in
99 violation of s. 317.0014(7), Florida Statutes.

100 (27) Failing, upon satisfaction of a lien and within 10
101 days after receipt of a demand by the Department of Highway
102 Safety and Motor Vehicles, to forward the appropriate document
103 to the department as required by law in violation of s.
104 317.0014(7), Florida Statutes.

105 (28) Purporting to sell or transfer an off-highway vehicle
106 without delivering to the purchaser or transferee of the vehicle
107 a certificate of title to the vehicle duly assigned to the
108 purchaser in violation of s. 317.0018(1), Florida Statutes.

109 (29) Operating or using an off-highway vehicle for which a
110 certificate of title is required without the certificate having
111 been obtained in accordance with law in violation of s.
112 317.0018(2), Florida Statutes.

HB 1341

2012

113 (30) Failing to surrender a certificate of title upon
114 cancellation of the certificate by the Department of Highway
115 Safety and Motor Vehicles in violation of s. 317.0018(3),
116 Florida Statutes.

117 (31) Failing to surrender the certificate of title to the
118 Department of Highway Safety and Motor Vehicles in the case of
119 the destruction, dismantling, or change of an off-highway
120 vehicle in such respect that it is not the off-highway vehicle
121 described in the certificate of title in violation of s.
122 317.0018(4), Florida Statutes.

123 (32) Willfully refusing to accept and sign a traffic
124 summons in violation of s. 318.14(3), Florida Statutes.

125 (33) Altering or counterfeiting a proof of insurance card
126 or making a false affidavit in order to furnish false proof or
127 to knowingly permit another person to furnish false proof in
128 violation of s. 320.02(5)(c), Florida Statutes.

129 (34) Registering a motor vehicle by means of false or
130 fraudulent representations made in an application for
131 registration in violation of s. 320.02(6), Florida Statutes.

132 (35) Failing to timely register a motor vehicle or mobile
133 home in violation of s. 320.07(3)(c), Florida Statutes.

134 (36) Willfully or fraudulently obtaining an emergency
135 service special registration plate otherwise issued to certain
136 designated emergency service personnel, in violation of s.
137 320.0898(5), Florida Statutes.

138 (37) Knowingly and willfully abusing or misusing a
139 temporary tag to avoid registering a vehicle requiring
140 registration in violation of s. 320.131(5), Florida Statutes.

141 (38) Failing to maintain records of temporary tags issued
 142 in violation of s. 320.131(7), Florida Statutes.

143 (39) Attaching to a motor vehicle or mobile home a
 144 registration license plate, or knowingly attaching a validation
 145 sticker or mobile home sticker to a registration license plate,
 146 which plate or sticker was not issued and assigned or lawfully
 147 transferred to such vehicle in violation of s. 320.261, Florida
 148 Statutes.

149 (40) Making a false affidavit concerning possessing a
 150 commercial driver license in violation of s. 322.03(1)(a),
 151 Florida Statutes.

152 (41) Operating a motorcycle without a valid driver license
 153 in violation of s. 322.03(4), Florida Statutes.

154 (42) Operating a motor vehicle on the highways when the
 155 driver license has been expired for more than 6 months in
 156 violation of s. 322.03(5), Florida Statutes.

157 (43) Operating a motor vehicle in violation of the
 158 restrictions imposed by the Department of Highway Safety and
 159 Motor Vehicles in violation of s. 322.16(5), Florida Statutes.

160 (44) Knowingly possessing a forged, stolen, fictitious,
 161 counterfeit, or unlawfully issued license extension sticker,
 162 unless possessing such sticker has been duly authorized by the
 163 Department of Highway and Motor Vehicles, in violation of s.
 164 322.18(8)(d), Florida Statutes.

165 (45) Operating a motor vehicle when the driver license or
 166 driving privilege has been canceled, suspended, or revoked as
 167 provided by law in violation of s. 322.34(2)(a), Florida
 168 Statutes.

169 (46) Operating a motor vehicle when the driver license or
 170 driving privilege has been canceled, suspended, or revoked as
 171 provided by law, a second violation, in violation of s.
 172 322.34(2)(b), Florida Statutes.

173 (47) For the owner or operator of a motor vehicle required
 174 to be registered in this state, failing to establish and
 175 maintain the ability to respond in damages for liability on
 176 account of accidents arising out of the use of the motor vehicle
 177 in the amount of \$10,000 because of damage to, or destruction
 178 of, property of others in any one crash in violation of s.
 179 324.022(1), Florida Statutes.

180 (48) Failing to return the driver license or registration
 181 to the Department of Highway Safety and Motor Vehicles when the
 182 license or registration has been suspended by law in violation
 183 of s. 324.201(1), Florida Statutes.

184 (49) Making a misstatement in or committing a forgery upon
 185 notice required to be filed for financial responsibility or
 186 making a false affidavit in connection with the transfer or
 187 proposed transfer of the registration of a motor vehicle in
 188 violation of s. 324.221(1), Florida Statutes.

189 (50) Providing for any other violation of requirements for
 190 financial responsibility in violation of s. 324.221(2), Florida
 191 Statutes.

192 (51) Operating a motor vehicle with an attached license
 193 plate that is not registered under the name of the owner of the
 194 vehicle and whose driver license or vehicle registration is
 195 currently under suspension in violation of s. 324.221(3),
 196 Florida Statutes.

HB 1341

2012

197

Section 2. This act shall take effect October 1, 2012.