

By Senator Sachs

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

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 a
21 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 a
24 crash involving a vehicle or other property that is unattended
25 in violation of s. 316.063(1), Florida Statutes.

26 (4) For an employee of a state or local agency in
27 possession of confidential and exempt information, knowingly
28 disclosing such information to a person who is not entitled to
29 access such information in violation of s. 316.066(3)(b),

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30 Florida Statutes.

31 (5) Obtaining or attempting to obtain confidential and
32 exempt information, knowing that he or she is not entitled to
33 obtain such information, in violation of s. 316.066(3)(c),
34 Florida Statutes.

35 (6) Providing false information and reports in violation of
36 s. 316.067, Florida Statutes.

37 (7) For a nongovernmental entity, using a traffic control
38 device at any place where the general public is invited which
39 does not conform to the uniform system of traffic control
40 devices adopted by the Department of Transportation in violation
41 of s. 316.0747, Florida Statutes.

42 (8) Driving a motor vehicle, including any motorcycle, in a
43 race, speed competition or contest, drag race or acceleration
44 contest, test of physical endurance, or exhibition of speed or
45 acceleration or for the purpose of making a speed record on any
46 highway, roadway, or parking lot; in any manner participating
47 in, coordinating, facilitating, or collecting money at any
48 location for any such race, competition, contest, test, or
49 exhibition; knowingly riding as a passenger in any such race,
50 competition, contest, test, or exhibition; or purposefully
51 causing the movement of traffic to slow or stop for a race,
52 competition, contest, test, or exhibition in violation of s.
53 316.191(2), Florida Statutes.

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

57 (10) Driving a vehicle in willful or wanton disregard for
58 the safety of persons or property, or reckless driving, in

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59 violation of s. 316.192(2)(b), Florida Statutes.

60 (11) Driving a vehicle in willful or wanton disregard for
61 the safety of persons or property, or reckless driving, and
62 causing damage to the property or person of another in violation
63 of s. 316.192(3), Florida Statutes.

64 (12) Riding a moped or motorcycle in violation of s.
65 316.1926(1), Florida Statutes.

66 (13) Driving under the influence in violation of s.
67 316.193(1), Florida Statutes.

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

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

72 (16) Driving under the influence and causing or
73 contributing to causing damage to the property or person of
74 another in violation of s. 316.193(3)(c)1., Florida Statutes.

75 (17) Failing to properly immobilize a vehicle according to
76 law in violation of s. 316.193(13)(c), Florida Statutes.

77 (18) 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 (19) For a motor vehicle dealer, knowingly and willfully
81 offering or displaying for retail sale or lease, selling,
82 leasing, or transferring title to, a motor vehicle in this state
83 whose air pollution control equipment has been tampered with in
84 violation of s. 316.2935(5)(a), Florida Statutes.

85 (20) Selling or installing sunscreening material in
86 violation of s. 316.2956(3), Florida Statutes.

87 (21) Presenting proof of insurance as required by law

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88 knowing that the insurance as represented by such proof of
89 insurance is not currently in force in violation of s.
90 316.646(4), Florida Statutes.

91 (22) Failing, within 10 days after receipt of a demand by
92 the Department of Highway Safety and Motor Vehicles, to return a
93 certificate of title to the department as required by law in
94 violation of s. 317.0014(7), Florida Statutes.

95 (23) Failing, upon satisfaction of a lien and within 10
96 days after receipt of a demand by the Department of Highway
97 Safety and Motor Vehicles, to forward the appropriate document
98 to the department as required by law in violation of s.
99 317.0014(7), Florida Statutes.

100 (24) Operating or using an off-highway vehicle for which a
101 certificate of title is required without the certificate having
102 been obtained in accordance with the law in violation of s.
103 317.0018(2), Florida Statutes.

104 (25) Failing to surrender the certificate of title to the
105 Department of Highway Safety and Motor Vehicles in the case of
106 the destruction, dismantling, or change of an off-highway
107 vehicle in such respect that it is not the off-highway vehicle
108 described in the certificate of title in violation of s.
109 317.0018(4), Florida Statutes.

110 (26) Violating any unspecified provision of chapter 317,
111 Florida Statutes, or a lawful rule adopted pursuant to chapter
112 317, Florida Statutes, in violation of s. 317.0018(5), Florida
113 Statutes.

114 (27) Willfully refusing to accept and sign a traffic
115 summons in violation of s. 318.14(3), Florida Statutes.

116 (28) For the owner of a motor vehicle registered in the

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117 state, failing to notify the Department of Highway Safety and
118 Motor Vehicles in writing of a change of address within 20 days
119 of such change in violation of s. 320.02(4), Florida Statutes.

120 (29) Failing to timely register a motor vehicle or mobile
121 home in violation of s. 320.07(3)(c), Florida Statutes.

122 (30) Failing to abide by the requirements applicable for
123 placing a license plate on a moped in violation of s. 320.0803,
124 Florida Statutes.

125 (31) Willfully or fraudulently obtaining an emergency
126 service special registration plate otherwise issued to certain
127 designated emergency service personnel in violation of s.
128 320.0898(5), Florida Statutes.

129 (32) Knowingly and willfully abusing or misusing a
130 temporary tag to avoid registering a vehicle requiring
131 registration in violation of s. 320.131(5), Florida Statutes.

132 (33) Failing to maintain records of a temporary tag that
133 the person has purchased or issued, in violation of s.
134 320.131(7), Florida Statutes.

135 (34) Attaching to a motor vehicle or mobile home a
136 registration license plate, or knowingly attaching a validation
137 sticker or mobile home sticker to a registration license plate,
138 which plate or sticker was not issued and assigned or lawfully
139 transferred to such vehicle in violation of s. 320.261, Florida
140 Statutes.

141 (35) Operating a motorcycle without a valid driver license
142 in violation of s. 322.03(4), Florida Statutes.

143 (36) Operating a motor vehicle on the highways when the
144 driver license has been expired for more than 6 months in
145 violation of s. 322.03(5), Florida Statutes.

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146 (37) Operating a motor vehicle in violation of the
147 restrictions imposed by the Department of Highway Safety and
148 Motor Vehicles on a driver license in violation of s. 322.16(5),
149 Florida Statutes.

150 (38) Knowingly possessing a forged, stolen, fictitious,
151 counterfeit, or unlawfully issued license extension sticker,
152 unless possessing such sticker has been duly authorized by the
153 Department of Highway Safety and Motor Vehicles, in violation of
154 s. 322.18(8)(d), Florida Statutes.

155 (39) Operating a motor vehicle when the driver license or
156 driving privilege has been canceled, suspended, or revoked as
157 provided by law, a first violation, in violation of s.
158 322.34(2)(a), Florida Statutes.

159 (40) Operating a motor vehicle when the driver license or
160 driving privilege has been canceled, suspended, or revoked as
161 provided by law, a second violation, in violation of s.
162 322.34(2)(b), Florida Statutes.

163 (41) Knowingly driving after a first conviction when the
164 driver license is suspended, revoked, or canceled for certain
165 underlying violations in violation of s. 322.34(10)(b)1.,
166 Florida Statutes.

167 (42) Knowingly driving after a second or subsequent
168 conviction when the driver license is suspended, revoked, or
169 canceled for certain underlying violations in violation of s.
170 322.34(10)(b)2., Florida Statutes.

171 (43) Causing or knowingly permitting his or her child or
172 ward under the age of 18 years to drive a motor vehicle on a
173 highway when the child or ward is not authorized to do so under
174 chapter 322, Florida Statutes, in violation of s. 322.35,

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175 Florida Statutes.

176 (44) Authorizing or knowingly permitting a motor vehicle
177 owned by him or her or under his or her dominion or control to
178 be operated by another unless the other person is authorized to
179 operate a motor vehicle under chapter 322, Florida Statutes, in
180 violation of s. 322.36, Florida Statutes.

181 (45) Committing a misdemeanor in violation of any provision
182 of chapter 322, Florida Statutes, unless the offense is declared
183 to be otherwise by chapter 322, Florida Statutes, or other law
184 of this state in violation of s. 322.39, Florida Statutes.

185 (46) For the owner or operator of a motor vehicle required
186 to be registered in this state, failing to establish and
187 maintain the ability to respond in damages for liability on
188 account of accidents arising out of the use of the motor vehicle
189 in the amount of \$10,000 because of damage to, or destruction
190 of, property of others in any one accident in violation of s.
191 324.022(1), Florida Statutes.

192 (47) Failing to return the driver license or registration
193 to the Department of Highway Safety and Motor Vehicles when the
194 license or registration has been suspended by law in violation
195 of s. 324.201(1), Florida Statutes.

196 (48) Making a misstatement in or committing a forgery upon
197 notice required to be filed for financial responsibility or
198 making a false affidavit in connection with the transfer or
199 proposed transfer of the registration of a motor vehicle in
200 violation of s. 324.221(1), Florida Statutes.

201 (49) Failing to meet any other requirement for financial
202 responsibility in violation of s. 324.221(2), Florida Statutes.

203 (50) Operating a motor vehicle with an attached license

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204 plate that is not registered under the name of the owner of the
205 vehicle and whose driver license or vehicle registration is
206 currently under suspension in violation of s. 324.221(3),
207 Florida Statutes.

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