

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WITHDRAWN	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 Steube offered the following:

**Amendment (with title amendment)**

5 Remove lines 149-226 and insert:

6 is found to be incompetent to stand trial, the expunction of the  
 7 criminal history record shall not prevent entry of the finding  
 8 in state and national databases for use in determining  
 9 eligibility to purchase or possess a firearm or to carry a  
 10 concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18  
 11 U.S.C. s. 922(t), nor shall it prevent a governmental agency  
 12 that is authorized by state or federal law to determine  
 13 eligibility to purchase or possess a firearm or to carry a  
 14 concealed firearm from accessing or using the record of the  
 15 finding in the course of such agency's official duties.

16 (a) The person who is the subject of a criminal history  
 17 record that is expunged under this section or under other

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18 provisions of law, including former s. 893.14, former s. 901.33,  
19 and former s. 943.058, may lawfully deny or fail to acknowledge  
20 the arrests covered by the expunged record, except when the  
21 subject of the record:

22 1. Is a candidate for employment with a criminal justice  
23 agency;

24 2. Is a defendant in a criminal prosecution;

25 3. Concurrently or subsequently petitions for relief under  
26 this section, s. 943.0583, or s. 943.059;

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

28 5. Is seeking to be employed or licensed by or to contract  
29 with the Department of Children and Families, the Division of  
30 Vocational Rehabilitation within the Department of Education,  
31 the Agency for Health Care Administration, the Agency for  
32 Persons with Disabilities, the Department of Health, the  
33 Department of Elderly Affairs, or the Department of Juvenile  
34 Justice or to be employed or used by such contractor or licensee  
35 in a sensitive position having direct contact with children, the  
36 disabled, or the elderly; or

37 6. Is seeking to be employed or licensed by the Department  
38 of Education, any district school board, any university  
39 laboratory school, any charter school, any private or parochial  
40 school, or any local governmental entity that licenses child  
41 care facilities.

42 (b) Subject to the exceptions in paragraph (a), a person  
43 who has been granted an expunction under this section, former s.

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44 893.14, former s. 901.33, or former s. 943.058 may not be held  
45 under any provision of law of this state to commit perjury or to  
46 be otherwise liable for giving a false statement by reason of  
47 such person's failure to recite or acknowledge an expunged  
48 criminal history record.

49 (c) Information relating to the existence of an expunged  
50 criminal history record which is provided in accordance with  
51 paragraph (a) is confidential and exempt from the provisions of  
52 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
53 except that the department shall disclose the existence of a  
54 criminal history record ordered expunged to the entities set  
55 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their  
56 respective licensing, access authorization, and employment  
57 purposes, and to criminal justice agencies for their respective  
58 criminal justice purposes, and with respect to a governmental  
59 agency that is authorized by state or federal law to determine  
60 eligibility to purchase or possess a firearm or to carry a  
61 concealed firearm, the department shall disclose the record of a  
62 finding of incompetence to stand trial for use in the course of  
63 such agency's official duties. It is unlawful for any employee  
64 of an entity set forth in subparagraph (a)1., subparagraph  
65 (a)4., subparagraph (a)5., subparagraph (a)6., or subparagraph  
66 (a)7. to disclose information relating to the existence of an  
67 expunged criminal history record of a person seeking employment,  
68 access authorization, or licensure with such entity or  
69 contractor, except to the person to whom the criminal history

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70 record relates or to persons having direct responsibility for  
71 employment, access authorization, or licensure decisions. Any  
72 person who violates this paragraph commits a misdemeanor of the  
73 first degree, punishable as provided in s. 775.082 or s.  
74 775.083.

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**T I T L E   A M E N D M E N T**

Remove lines 13-16 and insert:  
governmental entities;