

By Senator Joyner

19-00019-14

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1 A bill to be entitled
2 An act relating to court-ordered expunction of
3 criminal history records; amending s. 943.0585, F.S.;
4 requiring the Department of Law Enforcement to
5 disclose the contents of an expunged criminal history
6 record to the subject of the record or the Parole
7 Commission under certain circumstances; providing an
8 effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (d) is added to subsection (4) of
13 section 943.0585, Florida Statutes, to read:

14 943.0585 Court-ordered expunction of criminal history
15 records.—The courts of this state have jurisdiction over their
16 own procedures, including the maintenance, expunction, and
17 correction of judicial records containing criminal history
18 information to the extent such procedures are not inconsistent
19 with the conditions, responsibilities, and duties established by
20 this section. Any court of competent jurisdiction may order a
21 criminal justice agency to expunge the criminal history record
22 of a minor or an adult who complies with the requirements of
23 this section. The court shall not order a criminal justice
24 agency to expunge a criminal history record until the person
25 seeking to expunge a criminal history record has applied for and
26 received a certificate of eligibility for expunction pursuant to
27 subsection (2). A criminal history record that relates to a
28 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
29 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.

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30 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
31 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
32 any violation specified as a predicate offense for registration
33 as a sexual predator pursuant to s. 775.21, without regard to
34 whether that offense alone is sufficient to require such
35 registration, or for registration as a sexual offender pursuant
36 to s. 943.0435, may not be expunged, without regard to whether
37 adjudication was withheld, if the defendant was found guilty of
38 or pled guilty or nolo contendere to the offense, or if the
39 defendant, as a minor, was found to have committed, or pled
40 guilty or nolo contendere to committing, the offense as a
41 delinquent act. The court may only order expunction of a
42 criminal history record pertaining to one arrest or one incident
43 of alleged criminal activity, except as provided in this
44 section. The court may, at its sole discretion, order the
45 expunction of a criminal history record pertaining to more than
46 one arrest if the additional arrests directly relate to the
47 original arrest. If the court intends to order the expunction of
48 records pertaining to such additional arrests, such intent must
49 be specified in the order. A criminal justice agency may not
50 expunge any record pertaining to such additional arrests if the
51 order to expunge does not articulate the intention of the court
52 to expunge a record pertaining to more than one arrest. This
53 section does not prevent the court from ordering the expunction
54 of only a portion of a criminal history record pertaining to one
55 arrest or one incident of alleged criminal activity.
56 Notwithstanding any law to the contrary, a criminal justice
57 agency may comply with laws, court orders, and official requests
58 of other jurisdictions relating to expunction, correction, or

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59 confidential handling of criminal history records or information
60 derived therefrom. This section does not confer any right to the
61 expunction of any criminal history record, and any request for
62 expunction of a criminal history record may be denied at the
63 sole discretion of the court.

64 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
65 criminal history record of a minor or an adult which is ordered
66 expunged by a court of competent jurisdiction pursuant to this
67 section must be physically destroyed or obliterated by any
68 criminal justice agency having custody of such record; except
69 that any criminal history record in the custody of the
70 department must be retained in all cases. A criminal history
71 record ordered expunged that is retained by the department is
72 confidential and exempt from the provisions of s. 119.07(1) and
73 s. 24(a), Art. I of the State Constitution and not available to
74 any person or entity except upon order of a court of competent
75 jurisdiction. A criminal justice agency may retain a notation
76 indicating compliance with an order to expunge.

77 (d) Upon receipt of a written, notarized request from the
78 subject of the record, the department shall disclose the
79 contents of an expunged criminal history record to the subject
80 of the record or the Parole Commission.

81 Section 2. This act shall take effect July 1, 2014.