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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/05/2014	.	
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The Committee on Judiciary (Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 187 and 188

insert:

Section 8. Section 776.09, Florida Statutes, is created to read:

776.09 .-Notwithstanding the eligibility requirements pursuant to s. 943.0585(2), a person who has an information, indictment, or other charging document either not filed or dismissed by the state attorney, or dismissed by the court because it was found that the person acted in lawful self-



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12 defense pursuant to the provisions related to the justifiable
13 use of force in ch. 776, is eligible to apply for and receive a
14 certificate of eligibility for expunction under s. 943.0585.
15 This section does not confer any right to the expunction of a
16 criminal history record, and any request for expunction of a
17 criminal history record may be denied at the discretion of the
18 court.

19 Section 9. Subsection (5) of section 943.0585, Florida
20 Statutes, is renumbered as subsection (6), respectively, and
21 subsection (5) is added to that section, to read:

22 943.0585 Court-ordered expunction of criminal history
23 records.—The courts of this state have jurisdiction over their
24 own procedures, including the maintenance, expunction, and
25 correction of judicial records containing criminal history
26 information to the extent such procedures are not inconsistent
27 with the conditions, responsibilities, and duties established by
28 this section. Any court of competent jurisdiction may order a
29 criminal justice agency to expunge the criminal history record
30 of a minor or an adult who complies with the requirements of
31 this section. The court shall not order a criminal justice
32 agency to expunge a criminal history record until the person
33 seeking to expunge a criminal history record has applied for and
34 received a certificate of eligibility for expunction pursuant to
35 subsection (2). A criminal history record that relates to a
36 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
37 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
38 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
39 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
40 any violation specified as a predicate offense for registration



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41 as a sexual predator pursuant to s. 775.21, without regard to
42 whether that offense alone is sufficient to require such
43 registration, or for registration as a sexual offender pursuant
44 to s. 943.0435, may not be expunged, without regard to whether
45 adjudication was withheld, if the defendant was found guilty of
46 or pled guilty or nolo contendere to the offense, or if the
47 defendant, as a minor, was found to have committed, or pled
48 guilty or nolo contendere to committing, the offense as a
49 delinquent act. The court may only order expunction of a
50 criminal history record pertaining to one arrest or one incident
51 of alleged criminal activity, except as provided in this
52 section. The court may, at its sole discretion, order the
53 expunction of a criminal history record pertaining to more than
54 one arrest if the additional arrests directly relate to the
55 original arrest. If the court intends to order the expunction of
56 records pertaining to such additional arrests, such intent must
57 be specified in the order. A criminal justice agency may not
58 expunge any record pertaining to such additional arrests if the
59 order to expunge does not articulate the intention of the court
60 to expunge a record pertaining to more than one arrest. This
61 section does not prevent the court from ordering the expunction
62 of only a portion of a criminal history record pertaining to one
63 arrest or one incident of alleged criminal activity.
64 Notwithstanding any law to the contrary, a criminal justice
65 agency may comply with laws, court orders, and official requests
66 of other jurisdictions relating to expunction, correction, or
67 confidential handling of criminal history records or information
68 derived therefrom. This section does not confer any right to the
69 expunction of any criminal history record, and any request for



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70 expunction of a criminal history record may be denied at the
71 sole discretion of the court.

72 (5) Notwithstanding the eligibility requirements pursuant to s.
73 943.0585(2), a person who has an information, indictment, or
74 other charging document either not filed or dismissed by the
75 state attorney, or dismissed by the court because it was found
76 that the person acted in lawful self-defense pursuant to the
77 provisions related to the justifiable use of force in ch. 776,
78 is eligible to apply for and receive a certificate of
79 eligibility for expunction under s. 943.0585. This subsection
80 does not confer any right to the expunction of a criminal
81 history record, and any request for expunction of a criminal
82 history record may be denied at the discretion of the court.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete line 22

87 and insert:

88 officer; creating s. 776.09, F.S.; providing that a
89 person is eligible to apply for and receive a
90 certificate of eligibility for expunction,
91 notwithstanding the eligibility requirements, if the
92 charging document in the case is not filed or is
93 dismissed because it is found that the person acted in
94 lawful self-defense pursuant to the provisions related
95 to the justifiable use of force in ch. 776; amending
96 s. 943.0585, F.S.; providing that a person is eligible
97 to apply for and receive a certificate of eligibility
98 for expunction, notwithstanding the eligibility



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99 requirements, if the charging document in the case is
100 not filed or is dismissed because it is found that the
101 person acted in lawful self-defense pursuant to the
102 provisions related to the justifiable use of force in
103 ch. 776; providing an effective date.