

By Senator Sachs

34-00965-15

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1                                   A bill to be entitled  
2       An act relating to expunction of criminal history  
3       records; amending s. 943.0585, F.S.; providing that an  
4       individual who has been adjudicated guilty of driving  
5       under the influence but who otherwise meets the  
6       requirements for expunction of criminal history  
7       records may petition to expunge a criminal history  
8       record for a subsequent offense unless expunction is  
9       specifically prohibited for such violations; providing  
10      an effective date.

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

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14       Section 1. Present subsection (6) of section 943.0585,  
15       Florida Statutes, is redesignated as subsection (7), and a new  
16       subsection (6) is added to that section, to read:

17       943.0585 Court-ordered expunction of criminal history  
18       records.—The courts of this state have jurisdiction over their  
19       own procedures, including the maintenance, expunction, and  
20       correction of judicial records containing criminal history  
21       information to the extent such procedures are not inconsistent  
22       with the conditions, responsibilities, and duties established by  
23       this section. Any court of competent jurisdiction may order a  
24       criminal justice agency to expunge the criminal history record  
25       of a minor or an adult who complies with the requirements of  
26       this section. The court shall not order a criminal justice  
27       agency to expunge a criminal history record until the person  
28       seeking to expunge a criminal history record has applied for and  
29       received a certificate of eligibility for expunction pursuant to

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30 subsection (2) or subsection (5). A criminal history record that  
31 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,  
32 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,  
33 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,  
34 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in  
35 s. 907.041, or any violation specified as a predicate offense  
36 for registration as a sexual predator pursuant to s. 775.21,  
37 without regard to whether that offense alone is sufficient to  
38 require such registration, or for registration as a sexual  
39 offender pursuant to s. 943.0435, may not be expunged, without  
40 regard to whether adjudication was withheld, if the defendant  
41 was found guilty of or pled guilty or nolo contendere to the  
42 offense, or if the defendant, as a minor, was found to have  
43 committed, or pled guilty or nolo contendere to committing, the  
44 offense as a delinquent act. The court may only order expunction  
45 of a criminal history record pertaining to one arrest or one  
46 incident of alleged criminal activity, except as provided in  
47 this section. The court may, at its sole discretion, order the  
48 expunction of a criminal history record pertaining to more than  
49 one arrest if the additional arrests directly relate to the  
50 original arrest. If the court intends to order the expunction of  
51 records pertaining to such additional arrests, such intent must  
52 be specified in the order. A criminal justice agency may not  
53 expunge any record pertaining to such additional arrests if the  
54 order to expunge does not articulate the intention of the court  
55 to expunge a record pertaining to more than one arrest. This  
56 section does not prevent the court from ordering the expunction  
57 of only a portion of a criminal history record pertaining to one  
58 arrest or one incident of alleged criminal activity.

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59 Notwithstanding any law to the contrary, a criminal justice  
60 agency may comply with laws, court orders, and official requests  
61 of other jurisdictions relating to expunction, correction, or  
62 confidential handling of criminal history records or information  
63 derived therefrom. This section does not confer any right to the  
64 expunction of any criminal history record, and any request for  
65 expunction of a criminal history record may be denied at the  
66 sole discretion of the court.

67 (6) EXCEPTION FOR DRIVING UNDER THE INFLUENCE.-

68 Notwithstanding any other law, a person who has been adjudicated  
69 guilty of driving under the influence but otherwise meets the  
70 requirements of this section for expunction of criminal history  
71 records is eligible to petition to expunge a criminal history  
72 record of a subsequent offense pursuant to this section if the  
73 subsequent offense does not violate a law that precludes  
74 expunction.

75 Section 2. This act shall take effect July 1, 2015.