

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grant, J. offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 65 and 66, insert:

5 Section 2. Paragraphs (g) and (h) of subsection (1) of
6 section 943.0585, Florida Statutes, are amended, and paragraph
7 (a) of subsection (2) and subsection (3) of that section are
8 reenacted, to read:

9 943.0585 Court-ordered expunction of criminal history
10 records.—

11 (1) ELIGIBILITY.—A person is eligible to petition a court
12 to expunge a criminal history record if:

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13 (g) The person has never secured a prior sealing or
14 expunction of a criminal history record under this section, s.
15 943.059, former s. 893.14, former s. 901.33, or former s.
16 943.058, unless:

17 1. Expunction is sought of a criminal history record
18 previously sealed for 10 years pursuant to paragraph (h) and the
19 record is otherwise eligible for expunction; or

20 2. The prior expunction of a criminal history record was
21 granted for an offense that was committed when he or she was a
22 minor and the record is otherwise eligible for expunction. This
23 subparagraph does not apply when the prior expunction was for an
24 offense in which the minor was charged as an adult.

25 (h) The person has previously obtained a court-ordered
26 sealing of a ~~the~~ criminal history record under s. 943.059,
27 former s. 893.14, former s. 901.33, or former s. 943.058 for a
28 minimum of 10 years because adjudication was withheld or because
29 all charges related to the arrest or alleged criminal activity
30 to which the petition to expunge pertains were not dismissed
31 before trial, without regard to whether the outcome of the trial
32 was other than an adjudication of guilt. The requirement for the
33 record to have previously been sealed for a minimum of 10 years
34 does not apply if a plea was not entered or all charges related
35 to the arrest or alleged criminal activity to which the petition
36 to expunge pertains were dismissed before trial or a judgment of

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37 acquittal was rendered by a judge or a verdict of not guilty was
38 rendered by a judge or jury.

39 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
40 to expunge a criminal history record, a person seeking to
41 expunge a criminal history record must apply to the department
42 for a certificate of eligibility for expunction. The department
43 shall adopt rules to establish procedures for applying for and
44 issuing a certificate of eligibility for expunction.

45 (a) The department shall issue a certificate of
46 eligibility for expunction to a person who is the subject of a
47 criminal history record if that person:

48 1. Satisfies the eligibility criteria in paragraphs
49 (1)(a)-(h) and is not ineligible under s. 943.0584.

50 2. Has submitted to the department a written certified
51 statement from the appropriate state attorney or statewide
52 prosecutor which confirms the criminal history record complies
53 with the criteria in paragraph (1)(a) or paragraphs (1)(b) and
54 (c).

55 3. Has submitted to the department a certified copy of the
56 disposition of the charge to which the petition to expunge
57 pertains.

58 4. Remits a \$75 processing fee to the department for
59 placement in the Department of Law Enforcement Operating Trust
60 Fund, unless the executive director waives such fee.

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61 (3) PETITION.—Each petition to expunge a criminal history
62 record must be accompanied by:

63 (a) A valid certificate of eligibility issued by the
64 department.

65 (b) The petitioner's sworn statement that he or she:

66 1. Satisfies the eligibility requirements for expunction
67 in subsection (1).

68 2. Is eligible for expunction to the best of his or her
69 knowledge and does not have any other petition to seal or
70 expunge a criminal history record pending before any court.

71
72 A person who knowingly provides false information on such sworn
73 statement commits a felony of the third degree, punishable as
74 provided in s. 775.082, s. 775.083, or s. 775.084.

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77 **T I T L E A M E N D M E N T**

78 Remove line 6 and insert:
79 made by the act; amending and reenacting s. 943.0585,
80 F.S.; expanding an exception to an eligibility
81 requirement for expunction of a criminal history
82 record to allow a prior expunction of a criminal
83 history record granted for an offense committed when
84 the person was a minor; providing an exception;
85 repealing s. 985.686, F.S., relating

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