

By Senator Brandes

24-00529-21

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1 A bill to be entitled
2 An act relating to fees; amending s. 943.0586, F.S.,
3 as created by SB ___; requiring applicants for a
4 certificate of eligibility of expunction for certain
5 criminal history records to pay a specified fee to the
6 Department of Law Enforcement for placement in a
7 specified trust fund; providing an exception;
8 providing a contingent 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 (a) of subsection (3) of section
13 943.0586, Florida Statutes, as created by SB ___ or other
14 similar legislation enacted in the 2021 Regular Session or an
15 extension thereof and which becomes a law, is amended to read:

16 943.0586 Cannabis expunction.—

17 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
18 to expunge a criminal history record under this section, a
19 person seeking to expunge a criminal history record must apply
20 to the department for a certificate of eligibility for
21 expunction. The department shall adopt rules to establish
22 procedures for applying for and issuing a certificate of
23 eligibility for expunction.

24 (a) The department shall issue a certificate of eligibility
25 for expunction to a person who is the subject of a criminal
26 history record under this section, if that person:

- 27 1. Satisfies the eligibility criteria in subsection (2);
28 2. Has submitted to the department a written certified
29 statement from the appropriate state attorney or statewide

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30 prosecutor which confirms the criminal history record complies
31 with the criteria in subsection (2); ~~and~~

32 3. Has submitted to the department a certified copy of the
33 disposition of the charge to which the petition to expunge
34 pertains; and

35 4. Remits a \$75 processing fee to the department for
36 placement in the Department of Law Enforcement Operating Trust
37 Fund, unless the executive director waives the fee.

38 Section 2. This act shall take effect on the same date that
39 SB ___ or similar legislation takes effect, if such legislation
40 is adopted in the same legislative session or an extension
41 thereof and becomes a law.