

By Senator Farmer

34-01395-22

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1 A bill to be entitled
2 An act relating to misdemeanor criminal history record
3 expunction; amending s. 943.0585, F.S.; authorizing a
4 person to lawfully deny or fail to acknowledge certain
5 expunged misdemeanor arrests when applying for
6 specified employment positions or licenses; providing
7 an effective date.

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

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11 Section 1. Paragraph (b) of subsection (6) of section
12 943.0585, Florida Statutes, is amended to read:

13 943.0585 Court-ordered expunction of criminal history
14 records.—

15 (6) EFFECT OF EXPUNCTION ORDER.—

16 (b) The person who is the subject of a criminal history
17 record that is expunged under this section or under other
18 provisions of law, including former ss. 893.14, 901.33, and
19 943.058, may lawfully deny or fail to acknowledge the arrests
20 covered by the expunged record, except when the subject of the
21 record:

- 22 1. Is a candidate for employment with a criminal justice
23 agency;
24 2. Is a defendant in a criminal prosecution;
25 3. Concurrently or subsequently petitions for relief under
26 this section, s. 943.0583, or s. 943.059;
27 4. Is a candidate for admission to The Florida Bar;
28 5. Is seeking to be employed or licensed by or to contract
29 with the Department of Children and Families, the Division of

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30 Vocational Rehabilitation within the Department of Education,
31 the Agency for Health Care Administration, the Agency for
32 Persons with Disabilities, the Department of Health, the
33 Department of Elderly Affairs, or the Department of Juvenile
34 Justice or to be employed or used by such contractor or licensee
35 in a sensitive position having direct contact with children, the
36 disabled, or the elderly;

37 6. Is seeking to be employed or licensed by the Department
38 of Education, any district school board, any university
39 laboratory school, any charter school, any private or parochial
40 school, or any local governmental entity that licenses child
41 care facilities, except that an expunged misdemeanor violation
42 of chapter 812 may be lawfully denied or may fail to be
43 acknowledged;

44 7. Is seeking to be licensed by the Division of Insurance
45 Agent and Agency Services within the Department of Financial
46 Services; or

47 8. Is seeking to be appointed as a guardian pursuant to s.
48 744.3125.

49 Section 2. This act shall take effect July 1, 2022.