

1                                   A bill to be entitled  
 2           An act relating to court-ordered sealing of criminal  
 3           history records; amending s. 943.059, F.S.; revising  
 4           eligibility criteria for criminal record sealing;  
 5           providing for additional record sealings; providing an  
 6           effective date.

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

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 10           Section 1. Subsection (1) of section 943.059, Florida  
 11           Statutes, is amended to read:

12           943.059 Court-ordered sealing of criminal history  
 13           records.—

14           (1) ELIGIBILITY.—A person is eligible to petition a court  
 15           to seal a criminal history record when:

16           (a) The criminal history record is not ineligible for  
 17           court-ordered sealing under s. 943.0584.

18           (b) The criminal history record for which the person seeks  
 19           a court-ordered sealing was:

20           1. A record for which the person has not been adjudicated  
 21           guilty of, or adjudicated delinquent for committing, any of the  
 22           acts stemming from the arrest or alleged criminal activity to  
 23           which the petition to seal pertains; or

24           2. A misdemeanor record for which the person was  
 25           adjudicated guilty if the misdemeanor was not a violent

26 | misdemeanor; a misdemeanor crime of domestic violence, as  
 27 | defined in s. 741.28; or a misdemeanor under s. 741.29, s.  
 28 | 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s.  
 29 | 784.049.

30 |        (c)~~(b)~~ The person has never, before the date the  
 31 | application for a certificate of eligibility is filed, been  
 32 | adjudicated guilty ~~in this state~~ of a criminal offense, or been  
 33 | adjudicated delinquent in this state for committing any offense  
 34 | listed in s. 943.0584 ~~felony~~ or any of the following misdemeanor  
 35 | offenses, unless the record of such adjudication of delinquency  
 36 | has been expunged pursuant to s. 943.0515:

- 37 |            1. Assault, as defined in s. 784.011;
- 38 |            2. Battery, as defined in s. 784.03;
- 39 |            3. Assault on a law enforcement officer, a firefighter, or  
 40 | other specified officers, as defined in s. 784.07(2)(a);
- 41 |            4. Carrying a concealed weapon, as defined in s.  
 42 | 790.01(2);
- 43 |            5. Open carrying of a weapon, as defined in s. 790.053;
- 44 |            6. Unlawful possession or discharge of a weapon or firearm  
 45 | at a school-sponsored event or on school property, as defined in  
 46 | s. 790.115;
- 47 |            7. Unlawful use of destructive devices or bombs, as  
 48 | defined in s. 790.1615(1);
- 49 |            8. Unlawful possession of a firearm by a minor, as defined  
 50 | in s. 790.22(5);

- 51 9. Exposure of sexual organs, as defined in s. 800.03;
- 52 10. Arson, as defined in s. 806.031(1);
- 53 11. Petit theft, as defined in s. 812.014(3);
- 54 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 55 13. Cruelty to animals, as defined in s. 828.12(1).

56 ~~(c) The person has not been adjudicated guilty of, or~~  
 57 ~~adjudicated delinquent for committing, any of the acts stemming~~  
 58 ~~from the arrest or alleged criminal activity to which the~~  
 59 ~~petition to seal pertains.~~

60 (d) The person is no longer serving the sentence or under  
 61 ~~court~~ supervision applicable to the disposition of arrest or  
 62 alleged criminal activity to which the petition to seal  
 63 pertains.

64 (e) The person has not ~~never~~ secured more than two ~~a~~ prior  
 65 sealings or expunctions ~~sealing or expunction~~ of a criminal  
 66 history record under this section, s. 943.0585, former s.  
 67 893.14, former s. 901.33, or former s. 943.058. In addition, if  
 68 the criminal history record is one for which the person was  
 69 adjudicated guilty, the person cannot have previously secured a  
 70 sealing of a criminal history record for which the person was  
 71 adjudicated guilty.

72 Section 2. This act shall take effect July 1, 2024.