

By Senator Davis

5-01670-24

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

7  
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, and paragraph (a) of subsection (2) and  
12       paragraph (b) of subsection (3) of that section are reenacted,  
13       to read:

14       943.059 Court-ordered sealing of criminal history records.—

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

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

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

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

25       2. A misdemeanor record for which the person was  
26       adjudicated guilty, if the misdemeanor was not a violent  
27       misdemeanor; a misdemeanor crime of domestic violence, as  
28       defined in s. 741.28; or a misdemeanor under s. 741.29, s.  
29       741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s.

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30 784.049.

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

- 38 1. Assault, as defined in s. 784.011;
- 39 2. Battery, as defined in s. 784.03;
- 40 3. Assault on a law enforcement officer, a firefighter, or  
41 other specified officers, as defined in s. 784.07(2)(a);
- 42 4. Carrying a concealed weapon, as defined in s. 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 defined  
48 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~~

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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 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the  
73 court to seal a criminal history record, a person seeking to  
74 seal a criminal history record must apply to the department for  
75 a certificate of eligibility for sealing. The department shall  
76 adopt rules relating to the application for and issuance of  
77 certificates of eligibility for sealing.

78 (a) The department shall issue a certificate of eligibility  
79 for sealing to a person who is the subject of a criminal history  
80 record if that person:

81 1. Satisfies the eligibility criteria in paragraphs (1) (a)-  
82 (e) and is not ineligible for court-ordered sealing under s.  
83 943.0584.

84 2. Has submitted to the department a certified copy of the  
85 disposition of charge to which the petition pertains.

86 3. Remits a \$75 processing fee to the department for  
87 placement in the Department of Law Enforcement Operating Trust

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88 Fund, unless the executive director waives such fee.

89 (3) PETITION.—Each petition to a court to seal a criminal  
90 history record is complete only when accompanied by:

91 (b) The petitioner's sworn statement that the petitioner:

92 1. Satisfies the eligibility requirements for sealing in  
93 subsection (1).

94 2. Is eligible for sealing to the best of his or her  
95 knowledge and does not have any other petition to seal or  
96 expunge a criminal history record pending before any court.

97

98 Any person who knowingly provides false information on such  
99 sworn statement to the court commits a felony of the third  
100 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
101 775.084.

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