

By Senator Rodriguez

40-00262-24

202454\_\_

1                   A bill to be entitled  
2       An act relating to expunction of criminal history  
3       records; reenacting and amending s. 943.0585, F.S.;  
4       revising an eligibility criterion under which a person  
5       is eligible to petition a court to expunge a criminal  
6       history record if an indictment, information, or other  
7       charging document was dismissed by a court; expanding  
8       an exception to an eligibility requirement for  
9       expunction of a criminal history record to allow a  
10      prior expunction of a criminal history record granted  
11      for an offense committed when the person was a minor;  
12      providing applicability; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16       Section 1. Paragraphs (b) and (g) of subsection (1) of  
17      section 943.0585, Florida Statutes, are amended, and paragraph  
18      (a) of subsection (2) and subsection (3) of that section are  
19      reenacted, to read:

20       943.0585 Court-ordered expunction of criminal history  
21      records.—

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

24       (b) An indictment, information, or other charging document  
25      was filed or issued in the case giving rise to the criminal  
26      history record, was dismissed or nolle prosequi by the state  
27      attorney or statewide prosecutor, or was dismissed by a court of  
28      competent jurisdiction, unless such dismissal was pursuant to s.  
29      916.145 or s. 985.19, or a judgment of acquittal was rendered by

40-00262-24

202454\_\_

30 a judge, or a verdict of not guilty was rendered by a judge or  
31 jury.

32 (g) The person has never secured a prior sealing or  
33 expunction of a criminal history record under this section, s.  
34 943.059, former s. 893.14, former s. 901.33, or former s.  
35 943.058, unless:

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

39 2. One prior expunction was granted for a criminal history  
40 record for an offense that was committed when he or she was a  
41 minor and the record is otherwise eligible for expunction. This  
42 subparagraph does not apply if the prior expunction was for an  
43 offense in which the minor was charged as an adult. The  
44 requirement for the record to have previously been sealed for a  
45 minimum of 10 years under paragraph (h) does not apply to this  
46 subparagraph.

47 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
48 to expunge a criminal history record, a person seeking to  
49 expunge a criminal history record must apply to the department  
50 for a certificate of eligibility for expunction. The department  
51 shall adopt rules to establish procedures for applying for and  
52 issuing a certificate of eligibility for expunction.

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

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

58 2. Has submitted to the department a written certified

40-00262-24

202454\_\_

59 statement from the appropriate state attorney or statewide  
60 prosecutor which confirms the criminal history record complies  
61 with the criteria in paragraph (1)(a) or paragraphs (1)(b) and  
62 (c).

63 3. Has submitted to the department a certified copy of the  
64 disposition of the charge to which the petition to expunge  
65 pertains.

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

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

71 (a) A valid certificate of eligibility issued by the  
72 department.

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

74 1. Satisfies the eligibility requirements for expunction in  
75 subsection (1).

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

79  
80 A person who knowingly provides false information on such sworn  
81 statement commits a felony of the third degree, punishable as  
82 provided in s. 775.082, s. 775.083, or s. 775.084.

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