

By Senator Simon

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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 requirements for the court-ordered sealing
5 of certain criminal history records; authorizing
6 courts to seal additional adjudications of guilt in
7 certain circumstances; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (1), paragraph (c) of subsection (4),
12 and paragraph (b) of subsection (6) of section 943.059, Florida
13 Statutes, are amended 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 is:

20 1. Not related to an offense for which the person was
21 adjudicated guilty of, or adjudicated delinquent for committing,
22 any of the acts stemming from the arrest or alleged criminal
23 activity to which the petition to seal pertains; or

24 2. Related to a misdemeanor offense for which the person
25 was adjudicated guilty if the misdemeanor offense was not a
26 violent offense; a misdemeanor crime of domestic violence as
27 defined in s. 741.28; or a misdemeanor violation of s. 741.29,
28 s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or
29 s. 784.049.

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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 other
33 than an offense eligible for sealing under subparagraph (b)2.,
34 or been adjudicated delinquent in this state for committing any
35 felony or any of the following misdemeanor offenses, unless the
36 record of such adjudication of delinquency has been expunged
37 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 any ~~the~~ disposition of arrest or
62 alleged criminal activity to which the petition to seal
63 pertains.

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

71 (4) COURT AUTHORITY.—

72 (c) The court may order the sealing of criminal history
73 records as follows:

74 1. The court may order the sealing of a criminal history
75 record pertaining to one arrest or one incident of alleged
76 criminal activity only, except the court may order the sealing
77 of a criminal history record pertaining to more than one arrest
78 if the additional arrests directly relate to the original
79 arrest. If the court intends to order the sealing of records
80 pertaining to such additional arrests, such intent must be
81 specified in the order. A criminal justice agency may not seal
82 any record pertaining to such additional arrests if the order to
83 seal does not articulate the intention of the court to seal a
84 record pertaining to more than one arrest. This section does not
85 prevent the court from ordering the sealing of only a portion of
86 a criminal history record pertaining to one arrest or one
87 incident of alleged criminal activity.

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88 2. The court may order the sealing of a criminal history
89 record pertaining to not more than three records of adjudication
90 of guilt, except the court may order the sealing of a criminal
91 history record pertaining to additional adjudications of guilt
92 if the additional adjudications of guilt directly relate to the
93 original adjudication of guilt. If the court intends to order
94 the sealing of records pertaining to such additional
95 adjudications of guilt, such intent must be specified in the
96 order. A criminal justice agency may not seal any record
97 pertaining to such additional adjudications of guilt if the
98 order to seal does not articulate the intention of the court to
99 seal a record pertaining to more than one adjudication of guilt.
100 This subparagraph does not prevent the court from ordering the
101 sealing of only a portion of a criminal history record
102 pertaining to one adjudication of guilt or one incident of
103 alleged criminal activity.

104 (6) EFFECT OF ORDER.—

105 (b) The subject of the criminal history record sealed under
106 this section or under other provisions of law, including former
107 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to
108 acknowledge the arrests or adjudications of guilt covered by the
109 sealed record, except when the subject of the record:

- 110 1. Is a candidate for employment with a criminal justice
111 agency;
- 112 2. Is a defendant in a criminal prosecution;
- 113 3. Concurrently or subsequently petitions for relief under
114 this section, s. 943.0583, or s. 943.0585;
- 115 4. Is a candidate for admission to The Florida Bar;
- 116 5. Is seeking to be employed or licensed by or to contract

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117 with the Department of Children and Families, the Division of
118 Vocational Rehabilitation within the Department of Education,
119 the Agency for Health Care Administration, the Agency for
120 Persons with Disabilities, the Department of Health, the
121 Department of Elderly Affairs, or the Department of Juvenile
122 Justice or to be employed or used by such contractor or licensee
123 in a sensitive position having direct contact with children, the
124 disabled, or the elderly;

125 6.a. Is seeking to be employed or licensed by, or contract
126 with, the Department of Education, a district unit under s.
127 1001.30, a special district unit under s. 1011.24, the Florida
128 School for the Deaf and the Blind under s. 1002.36, the Florida
129 Virtual School under s. 1002.37, a virtual instruction program
130 under s. 1002.45, a charter school under s. 1002.33, a hope
131 operator under s. 1002.333, an alternative school under s.
132 1008.341, a private or parochial school, or a local governmental
133 entity that licenses child care facilities;

134 b. Is seeking to be employed or used by a contractor or
135 licensee under sub-subparagraph a.; or

136 c. Is a person screened under s. 1012.467;

137 7. Is attempting to purchase a firearm from a licensed
138 importer, licensed manufacturer, or licensed dealer and is
139 subject to a criminal history check under state or federal law;

140 8. Is seeking to be licensed by the Division of Insurance
141 Agent and Agency Services within the Department of Financial
142 Services;

143 9. Is seeking to be appointed as a guardian pursuant to s.
144 744.3125; or

145 10. Is seeking to be licensed by the Bureau of License

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146 Issuance of the Division of Licensing within the Department of
147 Agriculture and Consumer Services to carry a concealed weapon or
148 concealed firearm. This subparagraph applies only in the
149 determination of an applicant's eligibility under s. 790.06.
150 Section 2. This act shall take effect July 1, 2025.