

By the Committee on Criminal Justice; and Senator Simon

591-03149-25

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A bill to be entitled

An act relating to court-ordered sealing of criminal history records; amending s. 943.059, F.S.; revising eligibility requirements for the court-ordered sealing of certain criminal history records; authorizing courts to seal additional adjudications of guilt in certain circumstances; providing an effective date.

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

Section 1. Subsection (1), paragraph (c) of subsection (4), and paragraph (b) of subsection (6) of section 943.059, Florida Statutes, are amended to read:

943.059 Court-ordered sealing of criminal history records.—

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

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

(b) The criminal history record is:

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

2. Related to a misdemeanor offense for which the person was adjudicated guilty if the misdemeanor offense was not a violent offense; a misdemeanor crime of domestic violence as defined in s. 741.28; or a misdemeanor violation of s. 316.193, s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s. 800.03.

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(c) ~~(b)~~ The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty in this state of a criminal offense other than an offense eligible for sealing under subparagraph (b)2., or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanor offenses, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(2);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);
8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(1).

~~(c) The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the~~

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~~petition to seal pertains.~~

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

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

(4) COURT AUTHORITY.—

(c) The court may order the sealing of a criminal history record pertaining to one arrest, adjudication of guilt, or one incident of alleged criminal activity only, except the court may order the sealing of a criminal history record pertaining to more than one arrest or adjudication of guilt if the additional arrests or adjudications of guilt directly relate to the original arrest or adjudication of guilt. If the court intends to order the sealing of records pertaining to such additional arrests or adjudications of guilt, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests or adjudications of guilt if the order to seal does not articulate the intention of the court to seal a record pertaining to more than one arrest or adjudication of guilt. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest, adjudication of guilt,

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or one incident of alleged criminal activity.

(6) EFFECT OF ORDER.—

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

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

6.a. Is seeking to be employed or licensed by, or contract with, the Department of Education, a district unit under s. 1001.30, a special district unit under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, a virtual instruction program under s. 1002.45, a charter school under s. 1002.33, a hope operator under s. 1002.333, an alternative school under s.

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117 1008.341, a private or parochial school, or a local governmental  
118 entity that licenses child care facilities;

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

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

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

125 8. Is seeking to be licensed by the Division of Insurance  
126 Agent and Agency Services within the Department of Financial  
127 Services;

128 9. Is seeking to be appointed as a guardian pursuant to s.  
129 744.3125; or

130 10. Is seeking to be licensed by the Bureau of License  
131 Issuance of the Division of Licensing within the Department of  
132 Agriculture and Consumer Services to carry a concealed weapon or  
133 concealed firearm. This subparagraph applies only in the  
134 determination of an applicant's eligibility under s. 790.06.

135 Section 2. This act shall take effect July 1, 2025.