

By Senator Davis

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1 A bill to be entitled
2 An act relating to expunction of qualifying marijuana
3 offenses; creating s. 943.0579, F.S.; defining the
4 term "qualifying marijuana offense"; requiring the
5 Department of Law Enforcement to issue certificates of
6 eligibility for expunction of qualifying marijuana
7 offenses; providing requirements for the department;
8 specifying requirements for a petition for expunction;
9 providing criminal penalties for providing false
10 information on a certain sworn statement; specifying
11 the process for a petition to expunge qualifying
12 marijuana offenses; requiring the department to adopt
13 rules; providing an effective date.

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

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17 Section 1. Section 943.0579, Florida Statutes, is created
18 to read:

19 943.0579 Expunction of a qualifying marijuana offense.-

20 (1) DEFINITION.-As used in this section, the term
21 "qualifying marijuana offense" means one or more violations of
22 any of the following offenses that an individual committed
23 before July 1, 2025:

24 (a) Section 893.13, involving the possession of 2 ounces or
25 less of cannabis as defined in s. 893.02.

26 (b) Section 893.147, involving the possession of drug
27 paraphernalia that meets the definition of marijuana delivery
28 device in s. 381.986(1).

29 (2) CERTIFICATE OF ELIGIBILITY.-Notwithstanding the

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30 eligibility requirements of s. 943.0585(1) and (2), the
31 department shall issue a certificate of eligibility for
32 expunction under this section to a person who is the subject of
33 a criminal history record resulting from the arrest, filing of
34 charges, or conviction for a qualifying marijuana offense. In
35 accepting, processing, and approving a petition for a
36 certificate of eligibility for expunction under this section,
37 the department:

38 (a) May not require a fee from the petitioner.

39 (b) Shall create and administer a system:

40 1. That allows a petitioner to electronically transmit
41 their petition and any attachment, including the petitioner's
42 fingerprints and a copy of the disposition of the arrest or
43 charge; and

44 2. That electronically transmits a certificate of
45 eligibility for expunction to the petitioner.

46 (3) PETITION.—

47 (a) Each petition to expunge a criminal history record
48 pursuant to this section must be accompanied by the petitioner's
49 sworn statement attesting that the petitioner is eligible for
50 such an expunction to the best of his or her knowledge or
51 belief. A person who knowingly provides false information on
52 such sworn statement to the court commits a felony of the third
53 degree, punishable as provided in s. 775.082, s. 775.083, or s.
54 775.084.

55 (b) This section does not confer any right to the
56 expunction of a criminal history record, and any request for
57 expunction of a criminal history record may be denied at the
58 discretion of the court.

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59 (4) PROCESSING OF A PETITION OR AN ORDER.—

60 (a) In judicial proceedings under this section, a copy of
61 the completed petition to expunge must be served upon the
62 appropriate state attorney or the statewide prosecutor and upon
63 the arresting agency; however, it is not necessary to make any
64 agency other than the state a party. The appropriate state
65 attorney or the statewide prosecutor and the arresting agency
66 may respond to the court regarding the completed petition to
67 expunge.

68 (b) The court shall grant relief to a petitioner who meets
69 the requirements of this section, and, upon the granting of
70 relief, the clerk of the court shall certify copies of the order
71 to the appropriate state attorney or the statewide prosecutor
72 and the arresting agency. The arresting agency shall forward the
73 order to any other agency to which the arresting agency
74 disseminated the criminal history record and to which the order
75 pertains. The department shall forward the order to expunge to
76 the Federal Bureau of Investigation. The clerk of the court
77 shall certify a copy of the order to any other agency for which
78 the records of the court reflect has received the criminal
79 history record.

80 (c) The department or any other criminal justice agency is
81 not required to act on an order to expunge entered by a court
82 when such order does not comply with the requirements of this
83 section. Upon receipt of such an order, the department must
84 notify the issuing court, the appropriate state attorney or
85 statewide prosecutor, the petitioner or the petitioner's
86 attorney, and the arresting agency of the reason for
87 noncompliance. The appropriate state attorney or statewide

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88 prosecutor shall take action within 60 days after receipt of
89 such an order to correct the record and petition the court to
90 void the order. No cause of action, including contempt of court,
91 shall arise against any criminal justice agency for failure to
92 comply with an order to expunge when the petitioner for such
93 order failed to obtain the certificate of eligibility as
94 required by this section or when such order does not otherwise
95 comply with the requirements of this section.

96 (5) RULEMAKING.—The department shall adopt rules to
97 implement this section.

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