

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Criminal Justice
Subcommittee

Representative Koster offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), 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.

Amendment No. 1

17 (b)1. The person has not been adjudicated guilty of, or
18 adjudicated delinquent for committing, any of the acts stemming
19 from the arrest or alleged criminal activity to which the
20 petition to seal pertains; or

21 2. The petition to seal pertains to a misdemeanor offense
22 that the person was adjudicated guilty of and such offense was
23 not a violent offense or any of the following misdemeanor
24 offenses:

25 a. A crime of domestic violence, as defined in s. 741.28;

26 b. Driving under the influence under s. 316.193;

27 c. Violation of pretrial release related to domestic
28 violence under s. 741.29;

29 d. Violation of injunction for protection against domestic
30 violence under s. 741.31;

31 e. Violation of pretrial release related to dating
32 violence under 784.046;

33 f. Violation of injunction for protection against repeat
34 violence, sexual violence, or dating violence under 784.047;

35 g. Stalking, as defined in s. 784.048;

36 h. Violation of injunction for protection against stalking
37 or cyberstalking under 784.0487;

38 i. Sexual cyberharassment, as defined in s. 784.049;

39 j. Unnatural and lascivious act under s. 800.02; or

40 k. Exposure of sexual organs, as defined in s. 800.03.

Amendment No. 1

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

- 49 1. Assault, as defined in s. 784.011;
- 50 2. Battery, as defined in s. 784.03;
- 51 3. Assault on a law enforcement officer, a firefighter, or
52 other specified officers, as defined in s. 784.07(2)(a);
- 53 4. Carrying a concealed weapon, as defined in s.
54 790.01(2);
- 55 5. Open carrying of a weapon, as defined in s. 790.053;
- 56 6. Unlawful possession or discharge of a weapon or firearm
57 at a school-sponsored event or on school property, as defined in
58 s. 790.115;
- 59 7. Unlawful use of destructive devices or bombs, as
60 defined in s. 790.1615(1);
- 61 8. Unlawful possession of a firearm by a minor, as defined
62 in s. 790.22(5);
- 63 9. Exposure of sexual organs, as defined in s. 800.03;
- 64 10. Arson, as defined in s. 806.031(1);
- 65 11. Petit theft, as defined in s. 812.014(3);

625269 - h0745-strike.docx

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Amendment No. 1

66 12. Neglect of a child, as defined in s. 827.03(1)(e); or

67 13. Cruelty to animals, as defined in s. 828.12(1).

68 ~~(c) The person has not been adjudicated guilty of, or~~
69 ~~adjudicated delinquent for committing, any of the acts stemming~~
70 ~~from the arrest or alleged criminal activity to which the~~
71 ~~petition to seal pertains.~~

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

76 (e) The person has never secured a prior sealing or
77 expunction of a criminal history record under this section, s.
78 943.0585, former s. 893.14, former s. 901.33, or former s.
79 943.058 related to an offense for which the person was
80 adjudicated guilty.

81 (f)1. If a person has previously secured the sealing of a
82 criminal history record relating to an offense for which an
83 adjudication of guilt was withheld and the person seeks to seal
84 a subsequent criminal history record relating to an offense for
85 which an adjudication of guilt was withheld, the person has not
86 been convicted of a criminal offense for a period of three years
87 following the date on which a court withheld an adjudication of
88 guilt for the offense to which the subsequent petition to seal
89 pertains.

Amendment No. 1

90 2. If the person seeks to seal a criminal history record
91 for an offense for which he or she was adjudicated guilty, the
92 person has not been convicted of a criminal offense for a period
93 of 5 years following the date on which a court adjudicated the
94 person guilty.

95
96 For purposes of this paragraph, the term "conviction" has the
97 same meaning as in s. 943.0584(1).

98 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
99 court to seal a criminal history record, a person seeking to
100 seal a criminal history record must apply to the department for
101 a certificate of eligibility for sealing. The department shall
102 adopt rules relating to the application for and issuance of
103 certificates of eligibility for sealing.

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

107 1. Satisfies the eligibility criteria in paragraphs
108 (1) (a) - (f) ~~(e)~~ and is not ineligible for court-ordered sealing
109 under s. 943.0584.

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

112 3. Remits a \$75 processing fee to the department for
113 placement in the Department of Law Enforcement Operating Trust
114 Fund, unless the executive director waives such fee.

625269 - h0745-strike.docx

Published On: 1/16/2026 4:37:38 PM

Amendment No. 1

115 (b) A certificate of eligibility for sealing is valid for
116 12 months after the date stamped on the certificate when issued
117 by the department. After that time, the petitioner must reapply
118 to the department for a new certificate of eligibility. The
119 status of the applicant and the law in effect at the time of the
120 renewal application determine the petitioner's eligibility.

121 (4) COURT AUTHORITY.—

122 (c) The court may order the sealing of a criminal history
123 record pertaining to one adjudication of guilt ~~arrest or one~~
124 ~~incident of alleged criminal activity~~ only, except the court may
125 order the sealing of a criminal history record pertaining to
126 more than one adjudication of guilt ~~arrest~~ if the additional
127 adjudications of guilt ~~arrests~~ directly relate to the original
128 arrest, original incident of criminal activity, or original
129 adjudication of guilt. If the court intends to order the sealing
130 of records pertaining to such additional adjudications of guilt
131 ~~arrests~~, such intent must be specified in the order. A criminal
132 justice agency may not seal any record pertaining to such
133 additional adjudications of guilt ~~arrests~~ if the order to seal
134 does not articulate the intention of the court to seal a record
135 pertaining to more than one adjudication of guilt ~~arrest~~. This
136 section does not prevent the court from ordering the sealing of
137 only a portion of a criminal history record ~~pertaining to one~~
138 ~~arrest or one incident of alleged criminal activity~~.

139 (6) EFFECT OF ORDER.—

625269 - h0745-strike.docx

Published On: 1/16/2026 4:37:38 PM

Amendment No. 1

(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

625269 - h0745-strike.docx

Published On: 1/16/2026 4:37:38 PM

Amendment No. 1

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

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

c. Is a person screened under s. 1012.467;

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

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

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

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

Section 2. This act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

625269 - h0745-strike.docx

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Amendment No. 1

190 Remove lines 19-31 and insert:
191 which the person was adjudicated guilty; providing
192 certain eligibility criteria for certain persons who
193 seek a subsequent sealing of a criminal history record
194 relating to an offense for which adjudication was
195 withheld; providing certain eligibility criteria for
196 certain persons who seek the sealing of a criminal
197 history record relating to an offense for which the
198 person was adjudicated guilty; defining the term
199 "conviction"; authorizing a court to order the sealing
200 of a criminal history record pertaining to more than
201 one adjudication of guilt if the additional
202 adjudications directly relate to the original arrest,
203 incident of criminal activity, or adjudication of
204 guilt; providing an effective date.