

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 745](#)

TITLE: Sealing of Criminal History Records

SPONSOR(S): Koster

COMPANION BILL: [SB 810](#) (Simon)

LINKED BILLS: [HB 747](#) Koster

RELATED BILLS: None

Committee References

[Criminal Justice](#)

13 Y, 4 N, As CS



[Judiciary](#)

SUMMARY

Effect of the Bill:

The bill expands eligibility for court-ordered sealing of criminal history records, which currently only applies to specified *withheld* adjudications of guilt, by authorizing an otherwise eligible person to petition a court to seal a criminal history record related to a nonviolent misdemeanor offense for which the person was adjudicated *guilty*. A person remains ineligible for such sealing if the misdemeanor is related to: domestic violence and other specified related crimes; unlawful sexual conduct; or driving under the influence.

The bill revises the current one-time limitation for court-ordered sealing of a criminal history record, by authorizing a person to petition to seal:

- Subsequent withheld adjudications of guilt, if he or she has maintained a conviction-free record for three years.
- A specified misdemeanor adjudication of guilt, if he or she has maintained a conviction-free record for five years, except the court may seal more than one adjudication of guilt if the additional adjudications directly relate to the original arrest, incident of criminal activity, or adjudication of guilt.

Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on the Florida Department of Law Enforcement and the court system related to processing an increased number of applications for certificates of eligibility for sealing and conducting hearings related to petitions for sealing of criminal history records.

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ANALYSIS

EFFECT OF THE BILL:

The bill removes the one-time limitation on [court-ordered sealing](#) of a [criminal history record](#) related to an offense for which adjudication of guilt was [withheld](#), making a person eligible to petition a court to seal more than one such criminal history record. Under the bill, if a person has previously secured the sealing of a criminal history record relating to an offense for which an adjudication of guilt was withheld, and the person seeks to seal a subsequent criminal history record relating to an offense for which an adjudication of guilt was withheld, then the person is eligible to petition a court to seal such a criminal history record if he or she has maintained a conviction-free record in the three years after the date on which the court withheld an adjudication of guilt for the offense to which the subsequent petition to seal pertains. (Section [1](#))

The bill further expands eligibility for court-ordered sealing of criminal history records by authorizing an otherwise eligible person to petition a court to seal a criminal history record when the petition pertains to a misdemeanor offense for which the person was adjudicated *guilty*, so long as such offense was not a:

- Violent misdemeanor;

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DATE: 1/20/2026

- Misdemeanor offense of domestic violence;¹ or
- Misdemeanor offense of:
 - Driving under the influence;²
 - Violation of pretrial release related to domestic violence;³
 - Violation of injunction for protection against domestic violence;⁴
 - Violation of pretrial release related to dating violence;⁵
 - Violation of injunction for protection against repeat violence, sexual violence, or dating violence;⁶
 - Stalking;⁷
 - Violation of injunction for protection against stalking or cyberstalking;⁸
 - Sexual cyberharassment;⁹
 - Unnatural and lascivious act;¹⁰ or
 - Exposure of sexual organs.¹¹ (Section [1](#))

The bill authorizes a person to petition a court to seal a criminal history record related to an adjudication of guilt for such a qualifying offense if the person has maintained a conviction-free record in the five years after the date on which the court found the person guilty. Generally, a person is limited to sealing only one such adjudication of guilt, but the bill permits a court to order the sealing of a criminal history record pertaining to more than one adjudication of guilt if the additional adjudications directly relate to the original arrest, incident of criminal activity, or adjudication of guilt. (Section [1](#))

For purposes of sealing subsequent withheld adjudications of guilt, or one adjudication of guilt, the bill defines “conviction” as a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, or if the defendant was a minor, a finding that the defendant committed or pled guilty or nolo contendere to committing a delinquent act, regardless of whether adjudication of delinquency is withheld.¹² (Section [1](#))

Thus, under the bill, a person would be eligible to seal an unlimited number of specified withheld adjudications of guilt from his or her record, but would only be eligible to seal one specified misdemeanor adjudication of guilt, subject to specified waiting periods. (Section [1](#))

By expanding eligibility for court-ordered sealing of criminal records to include specified misdemeanor adjudications of guilt, the bill enables the subject of a sealed criminal history record to lawfully deny or fail to acknowledge specified arrests or adjudications of guilt covered by the sealed record, subject to specified exceptions. (Section [1](#))

The bill makes conforming changes to address the expanded eligibility for court-ordered sealing of criminal records related to specified misdemeanor adjudications of *guilt*, including by requiring a person who attempts to seal his or her record to, in addition to no longer being under applicable supervision related to the disposition of

¹ “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. [S. 741.28, F.S.](#)

² [S. 316.193, F.S.](#)

³ [S. 741.29, F.S.](#)

⁴ [S. 741.31, F.S.](#)

⁵ [S. 784.046, F.S.](#)

⁶ [S. 784.047, F.S.](#)

⁷ [S. 784.048, F.S.](#)

⁸ [S. 784.0487, F.S.](#)

⁹ [S. 784.049, F.S.](#)

¹⁰ [S. 800.02, F.S.](#)

¹¹ [S. 800.03, F.S.](#)

¹² [S. 943.0584\(1\), F.S.](#)

arrest or alleged criminal activity pertaining to the petition, also no longer be serving a sentence related to such disposition. (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on the Florida Department of Law Enforcement (FDLE). The bill expands eligibility to petition for court-ordered sealing of a criminal history record and increases the number of sealings a person may be able to receive, which may result in FDLE being required to process an increased number of applications for certificates of eligibility. The bill may also have an indeterminate impact on the court system, as the bill may result in courts being required to conduct hearings on an increased number of petitions to seal criminal history records.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Criminal History Records](#)

A criminal history record includes any nonjudicial record maintained by a criminal justice agency¹³ that contains criminal history information.¹⁴ Criminal history information is information collected by criminal justice agencies consisting of identifiable descriptions of individuals and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and criminal dispositions.¹⁵

[Court-Ordered Sealing](#)

Under [s. 943.059, F.S.](#), a court may order a criminal history record to be sealed, rendering it confidential and exempt from Florida's public record laws.¹⁶ The following persons and entities may access a sealed criminal history record:

- The subject of the record;
- His or her attorney;
- Criminal justice agencies for criminal justice purposes;
- Judges in the state courts system for assisting in their case-related decision-making responsibilities; and
- Certain enumerated entities¹⁷ for licensing access authorization and employment purposes.¹⁸

If a criminal history record is sealed, the subject of the record may lawfully deny or fail to acknowledge the arrests covered by the sealed record, with exceptions for certain state employment positions, seeking appointment as a

¹³ Criminal justice agencies include the court, the Florida Department of Law Enforcement (FDLE), the Department of Juvenile Justice (DJJ), components of the Department of Children and Families (DCF), components of the Department of Financial Services, and other governmental agencies that administrate criminal justice. [S. 943.045\(11\), F.S.](#)

¹⁴ [S. 943.045\(6\), F.S.](#)

¹⁵ [S. 943.045\(5\), F.S.](#)

¹⁶ [S. 943.059\(6\)\(a\), F.S.](#); See [s. 119.07\(1\), F.S.](#) and Art. I, s. 24(a), Fla. Const., for public record requirements.

¹⁷ Enumerated entities include criminal justice agencies, The Florida Bar, DCF, 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 Elder Affairs, DJJ, the Department of Education, a district school board, a university laboratory school, the Florida School for the Deaf and the Blind, the Florida Virtual school, a virtual instruction program, a charter school, a private or parochial school, a local governmental entity that licenses child care facilities, the Division of Insurance Agent and Agency Services within the Department of Financial Services, and the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services.

¹⁸ [S. 943.059\(6\)\(a\), F.S.](#)

guardian, professional licensing purposes, purchasing a firearm, applying for a concealed weapons permit, seeking expunction, or if the subject of the record is a defendant in a criminal prosecution.¹⁹

Under [s. 943.0584, F.S.](#), a criminal history record is not eligible for court-ordered sealing if the record is a conviction²⁰ for:

- Sexual misconduct;²¹
- Illegal use of explosives;²²
- Terrorism;²³
- Murder;²⁴
- Manslaughter or homicide;²⁵
- Assault²⁶ or battery²⁷ of one family or household member by another family or household member;²⁸
- Aggravated assault;²⁹
- Felony battery, domestic battery by strangulation, or aggravated battery;³⁰
- Stalking or aggravated stalking;³¹
- Luring or enticing a child;³²
- Human trafficking;³³
- Kidnapping or false imprisonment;³⁴
- Sexual battery, unlawful sexual activity with a minor, or female genital mutilation;³⁵
- Procuring a person under the age of 18 for prostitution;³⁶
- Lewd or lascivious offenses committed upon or in the presence of a child less than 16 years of age;³⁷
- Arson;³⁸
- Burglary of a dwelling;³⁹
- Voyeurism or video voyeurism;⁴⁰
- Robbery or robbery by sudden snatching;⁴¹
- Carjacking;⁴²

¹⁹ [S. 943.059\(6\)\(b\), F.S.](#)

²⁰ “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, or if the defendant was a minor, a finding that the defendant committed or pled guilty or nolo contendere to committing a delinquent act, regardless of whether adjudication of delinquency is withheld. [s. 943.0584\(1\), F.S.](#)

²¹ [Ss. 393.135, 394.4593, and 916.1075, F.S.](#)

²² Ch. 552, F.S.

²³ [S. 775.30, F.S.](#)

²⁴ [Ss. 782.04, 782.065, and 782.09, F.S.](#)

²⁵ [Ss. 782.07, 782.071, and 782.072, F.S.](#)

²⁶ [S. 784.011, F.S.](#)

²⁷ [S. 784.03, F.S.](#)

²⁸ [S. 741.28\(3\), F.S.](#)

²⁹ [S. 784.021, F.S.](#)

³⁰ [Ss. 784.03, 784.041, and 784.045, F.S.](#)

³¹ [S. 784.048, F.S.](#)

³² [S. 787.025, F.S.](#)

³³ [S. 787.06, F.S.](#)

³⁴ [Ss. 787.01 and 787.02, F.S.](#)

³⁵ Ch. 794, F.S.

³⁶ [S. 796.03, F.S.](#) (2013) (repealed by ch. 2014-160, §10, Laws of Fla.).

³⁷ [S. 800.04, F.S.](#)

³⁸ [S. 806.01, F.S.](#)

³⁹ [S. 810.02, F.S.](#)

⁴⁰ [Ss. 810.14 and 810.145, F.S.](#)

⁴¹ [Ss. 812.13 and 812.131, F.S.](#)

⁴² [S. 812.133, F.S.](#)

- Home invasion robbery;⁴³
- A violation of the Florida Communications Fraud Act;⁴⁴
- Abuse of an elderly person or disabled adult or aggravated abuse of an elderly person or disabled adult;⁴⁵
- Lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person;⁴⁶
- Child abuse or aggravated child abuse;⁴⁷
- Sexual performance by a child;⁴⁸
- Offenses by public officers and employees;⁴⁹
- Certain acts in connection with obscenity;⁵⁰
- A violation of the Computer Pornography and Child Exploitation Prevention Act;⁵¹
- Selling or buying of minors;⁵²
- Aircraft piracy;⁵³
- Manufacturing a controlled substance;⁵⁴
- Drug trafficking;⁵⁵ or
- Any violation specified as a predicate offense for registration as a sexual predator⁵⁶ or sexual offender.⁵⁷

To obtain a court-ordered sealing, a person must first apply to the Florida Department of Law Enforcement (FDLE) for a certificate of eligibility, which FDLE must issue to a person who:

- Has submitted a certified copy of the disposition of the charge he or she seeks to seal;
- Is not seeking to seal a criminal history record relating to an ineligible offense;
- Has never, prior to filing the application for a certificate of eligibility, been either:
 - Adjudicated guilty in this state of any criminal offense; or
 - Adjudicated delinquent in this state for committing any felony or adjudicated delinquent of certain enumerated misdemeanors⁵⁸ as a juvenile, unless such adjudication has been expunged pursuant to [s. 943.0515, F.S.](#)⁵⁹
- Has not been adjudicated guilty or delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;
- *Has never secured a prior sealing or expunction of a criminal history record;* and
- Is no longer under court supervision related to the disposition of the arrest or alleged criminal activity to which the petition to seal pertains.
- Remits a \$75 processing fee to FDLE, unless such fee is waived.⁶⁰

⁴³ [S. 812.135, F.S.](#)

⁴⁴ [S. 817.034, F.S.](#)

⁴⁵ [S. 825.102, F.S.](#)

⁴⁶ [S. 825.1025, F.S.](#)

⁴⁷ [S. 827.03, F.S.](#)

⁴⁸ [S. 827.071, F.S.](#)

⁴⁹ Ch. 839, F.S.

⁵⁰ [S. 847.0133, F.S.](#)

⁵¹ [S. 847.0135, F.S.](#)

⁵² [S. 847.0145, F.S.](#)

⁵³ [S. 860.16, F.S.](#)

⁵⁴ Ch. 893, F.S.

⁵⁵ [S. 893.135, F.S.](#)

⁵⁶ [S. 775.21, F.S.](#)

⁵⁷ [S. 943.0435, F.S.](#)

⁵⁸ Ineligible misdemeanors include: assault; battery; assault on a law enforcement officer, a firefighter, or other specified officers; carrying a concealed weapon; open carrying of a weapon; unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property; unlawful use of destructive devices or bombs; unlawful possession of a firearm by a minor; exposure of sexual organs; arson; petit theft; neglect of a child; and cruelty to animals. [S. 943.059\(1\)\(b\)1-13., F.S.](#)

⁵⁹ Relating to the retention of criminal history records of minors.

⁶⁰ [S. 943.059\(1\)-\(2\), F.S.](#)

Upon receiving a certificate of eligibility from FDLE, a person may petition the court to seal the record.⁶¹ A complete petition contains both a valid certificate of eligibility, issued within the previous 12 months, and a sworn statement from the petitioner attesting to his or her eligibility.⁶² It is solely within the court's discretion to grant or deny a petition to seal a criminal history record.⁶³

Currently, a person is limited to one court-ordered sealing or expunction in his or her lifetime.⁶⁴

Court-Ordered Expunction

An adult or juvenile may have his or her criminal history record expunged under certain circumstances.⁶⁵ When a record is expunged, the criminal justice agencies possessing such record must physically destroy or obliterate it.⁶⁶ FDLE maintains a copy of the record to evaluate subsequent requests for sealing or expunction, and to recreate the record in the event a court vacates the order to expunge.⁶⁷

Under [s. 943.0585\(1\), F.S.](#), a court, in its sole discretion, may order a criminal justice agency to expunge a person's criminal history record if FDLE issues the person a certificate of eligibility for expunction.⁶⁸ FDLE must issue a certificate of eligibility for court-ordered expunction to a person meeting all criteria.⁶⁹ Generally, a person is eligible for expunction if:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed or issued in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state, was dismissed by the court, a judgment of acquittal was rendered, or a verdict of not guilty was rendered.
- The person is not seeking to expunge a criminal history record relating to a violation of certain enumerated offenses listed in [s. 943.0584, F.S.](#)⁷⁰
- *The person has never, as of the date when the application to FDLE for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense.*
- The person has never, as of the date when the application to FDLE for a certificate of eligibility is filed, been adjudicated delinquent for committing any felony or certain enumerated misdemeanor offenses,⁷¹ unless such adjudication of delinquency has been expunged.
- 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 current petition for expunction pertains.
- The person is no longer under court supervision for the alleged criminal activity to which the current petition for expunction pertains.
- *The person has never had a record sealed or expunged by court order previously, unless;*⁷²
 - *Expunction is sought for a criminal history record previously sealed for at least 10 years;*⁷³ and

⁶¹ [S. 943.059\(3\), F.S.](#)

⁶² [S. 943.059\(2\)-\(3\), F.S.](#)

⁶³ [S. 943.059\(4\)\(e\), F.S.](#)

⁶⁴ [S. 943.059\(1\)\(e\), F.S.](#)

⁶⁵ [Ss. 943.0581, 943.0582, 943.0583, and 943.0585, F.S.](#)

⁶⁶ [S. 943.045\(16\), F.S.](#)

⁶⁷ *Id.*

⁶⁸ [S. 943.0585\(1\), F.S.](#)

⁶⁹ [S. 943.0585\(2\), F.S.](#)

⁷⁰ Some offenses ineligible for expunction that are enumerated in [s. 943.0584, F.S.](#), include murder, sexual battery, aggravated battery, domestic battery, lewd or lascivious offenses, burglary, robbery, and drug trafficking.

⁷¹ Examples of disqualifying misdemeanor offenses include assault, battery, carrying a concealed weapon, petit theft, and exposure of sexual organs. [S. 943.0585\(1\)\(d\), F.S.](#)

⁷² [S. 943.0585\(1\)\(g\), F.S.](#)

⁷³ The requirement for a record to have been sealed for 10 years does not apply if a plea was not entered or all charges related to the arrest or alleged criminal activity to which the petition for expunction pertains were dismissed before trial or a judgment of acquittal was rendered by a judge or a verdict of not guilty was rendered by a jury. [S. 943.0585\(1\)\(h\), F.S.](#)

- *The record was sealed because adjudication was withheld, or because all charges related to the arrest or alleged criminal activity to which the petition for expunction pertains were not dismissed before trial, and the trial did not result in an adjudication of guilt.*

After a person files a petition to expunge a criminal history record with the court, a copy of the petition is provided to the state attorney and the arresting law enforcement agency.⁷⁴ The state attorney and the arresting law enforcement agency may file with the court a response to the petition to expunge objecting to the court granting such expunction.⁷⁵

If the court grants a petition to expunge a person's criminal history record, the person may lawfully deny or fail to acknowledge the arrests covered by the expunged record, subject to specified exceptions.⁷⁶

Prohibition on Withholding Adjudication in Felony Cases

Under [s. 775.08435, F.S.](#), a court may not withhold adjudication of guilt for a:

- Third degree felony⁷⁷ if a defendant has two or more prior withholdings of adjudication for a felony that did not arise from the same transaction as the current felony offense; or
- Second degree felony⁷⁸ if the defendant has a prior withholding of adjudication for a felony that did not arise from the same transaction as the current felony offense.

In addition to the above limitations, a court may also not withhold adjudication of guilt upon the defendant for a:

- Capital, life, or first degree felony;⁷⁹ or
- Second degree felony, unless:
 - The state attorney requests in writing that adjudication be withheld; or
 - The court makes written findings that the withholding of adjudication is reasonably justified based on circumstances or factors in accordance with those set forth in [s. 921.0026, F.S.](#)
- Third degree felony that is a crime of domestic violence as defined in [s. 741.28, F.S.](#), unless:
 - The state attorney requests in writing that adjudication be withheld; or
 - The court makes written findings that the withholding of adjudication is reasonably justified based on circumstances or factors in accordance with those set forth in [s. 921.0026, F.S.](#)
- Third degree felony if the defendant has a prior withholding of adjudication for a felony offense that did not arise from the same transaction as the current felony offense, unless:
 - The state attorney requests in writing that adjudication be withheld; or
 - The court makes written findings that the withholding of adjudication is reasonably justified based on circumstances or factors in accordance with those set forth in [s. 921.0026, F.S.](#)

⁷⁴ [S. 943.0585\(5\)\(a\), F.S.](#)

⁷⁵ *Id.*

⁷⁶ [S. 943.0585\(6\)\(b\), F.S.](#) Such exceptions include when the person is a defendant in a criminal prosecution; when the person is seeking an additional sealing or expunction; when the person is seeking employment with a criminal justice agency, admission to the Florida Bar, or employment or licensure by specified agencies for certain sensitive employment positions; or when a person applies for appointment as a guardian under [s. 744.3125, F.S.](#)

⁷⁷ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

⁷⁸ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

⁷⁹ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	13 Y, 4 N, As CS	1/20/2026	Hall	Butcher

THE CHANGES ADOPTED BY THE COMMITTEE:

- Moved the portion of the bill related to waiting periods to seal withholds and adjudications of guilt to the eligibility section of [s. 943.059, F.S.](#), consistent with current law.
- Made other technical changes to improve clarity.

[Judiciary Committee](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
