

1 A bill to be entitled
2 An act relating to the sealing of criminal history
3 records; reenacting and amending s. 943.059, F.S.;
4 providing that persons adjudicated guilty of certain
5 misdemeanor offenses are eligible to petition a court
6 to seal the criminal history record of such offenses;
7 providing that persons previously adjudicated guilty
8 of certain misdemeanor offenses are eligible to
9 petition a court to seal a subsequent criminal history
10 record; revising certain eligibility criteria to
11 provide that a person is eligible to petition the
12 court to seal a criminal history record if such person
13 is no longer serving the sentence to which the
14 petition to seal pertains; revising certain
15 eligibility criteria to provide that a person is
16 eligible to petition the court to seal a criminal
17 history record if such person has never secured a
18 prior sealing or expunction related to an offense for
19 which the person was adjudicated guilty; authorizing a
20 court to order the sealing of a criminal history
21 record pertaining to more than one adjudication of
22 guilt if the additional adjudications directly relate
23 to the original arrest, incident of criminal activity,
24 or adjudication of guilt; providing requirements for
25 certain persons who seek the sealing of a criminal

history record relating to an offense for which adjudication was withheld; providing requirements for certain persons who seek the sealing of a criminal history record relating to an offense for which the person was adjudicated guilty; defining the term "conviction"; 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, a new subsection (7) is added to that section, and paragraph (a) of subsection (2) is reenacted, 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)1. 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 petition to seal pertains; or

2. The petition to seal pertains to a misdemeanor offense

51 that the person was adjudicated guilty of and such misdemeanor
52 offense was not a violent offense; a misdemeanor offense of
53 domestic violence, as defined in s. 741.28; or a misdemeanor
54 violation of s. 316.193, s. 741.29, s. 741.31, s. 784.046, s.
55 784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s.
56 800.03.

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

- 65 1. Assault, as defined in s. 784.011;
- 66 2. Battery, as defined in s. 784.03;
- 67 3. Assault on a law enforcement officer, a firefighter, or
68 other specified officers, as defined in s. 784.07(2)(a);
- 69 4. Carrying a concealed weapon, as defined in s.
70 790.01(2);
- 71 5. Open carrying of a weapon, as defined in s. 790.053;
- 72 6. Unlawful possession or discharge of a weapon or firearm
73 at a school-sponsored event or on school property, as defined in
74 s. 790.115;
- 75 7. Unlawful use of destructive devices or bombs, as

76 defined in s. 790.1615(1);

77 8. Unlawful possession of a firearm by a minor, as defined
78 in s. 790.22(5);

79 9. Exposure of sexual organs, as defined in s. 800.03;

80 10. Arson, as defined in s. 806.031(1);

81 11. Petit theft, as defined in s. 812.014(3);

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

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

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

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

92 (e) The person has never secured a prior sealing or
93 expunction of a criminal history record under this section, s.
94 943.0585, former s. 893.14, former s. 901.33, or former s.
95 943.058 which is related to an offense for which the person was
96 adjudicated guilty.

97 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
98 court to seal a criminal history record, a person seeking to
99 seal a criminal history record must apply to the department for
100 a certificate of eligibility for sealing. The department shall

101 adopt rules relating to the application for and issuance of
102 certificates of eligibility for sealing.

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

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

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

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

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

120 (4) COURT AUTHORITY.—

121 (c) The court may order the sealing of a criminal history
122 record pertaining to one adjudication of guilt ~~arrest or one~~
123 ~~incident of alleged criminal activity~~ only, except the court may
124 order the sealing of a criminal history record pertaining to
125 more than one adjudication of guilt ~~arrest~~ if the additional

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

138 (6) EFFECT OF ORDER.—

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

- 145 1. Is a candidate for employment with a criminal justice
146 agency;
- 147 2. Is a defendant in a criminal prosecution;
- 148 3. Concurrently or subsequently petitions for relief under
149 this section, s. 943.0583, or s. 943.0585;
- 150 4. Is a candidate for admission to The Florida Bar;

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

160 6.a. Is seeking to be employed or licensed by, or contract
161 with, the Department of Education, a district unit under s.
162 1001.30, a special district unit under s. 1011.24, the Florida
163 School for the Deaf and the Blind under s. 1002.36, the Florida
164 Virtual School under s. 1002.37, a virtual instruction program
165 under s. 1002.45, a charter school under s. 1002.33, a hope
166 operator under s. 1002.333, an alternative school under s.
167 1008.341, a private or parochial school, or a local governmental
168 entity that licenses child care facilities;

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

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

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

175 8. Is seeking to be licensed by the Division of Insurance

176 Agent and Agency Services within the Department of Financial
177 Services;

178 9. Is seeking to be appointed as a guardian pursuant to s.
179 744.3125; or

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

185 (7) WAITING PERIODS.—

186 (a) If a person has previously secured the sealing of a
187 criminal history record relating to an offense for which an
188 adjudication of guilt was withheld and the person seeks to seal
189 a subsequent criminal history record relating to an offense for
190 which an adjudication of guilt was withheld, the court may grant
191 the petition to seal the subsequent criminal history record if
192 the petitioner has maintained a conviction-free record in the 3
193 years after the date on which the court withheld an adjudication
194 of guilt for the offense to which the subsequent petition to
195 seal pertains.

196 (b) If the petitioner seeks to seal a criminal history
197 record for an offense for which he or she was adjudicated
198 guilty, the court may grant such petition if the petitioner has
199 maintained a conviction-free record in the 5 years after the
200 date on which the court adjudicated the person guilty.

HB 745

2026

201
202 For purposes of this subsection, the term "conviction" has the
203 same meaning as in s. 943.0584(1).

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