

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

26 defining the term "conviction"; authorizing a court to
27 order the sealing of a criminal history record
28 pertaining to more than one adjudication of guilt if
29 the additional adjudications directly relate to the
30 original arrest, incident of criminal activity, or
31 adjudication of guilt; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 **Section 1. Subsection (1), paragraph (a) of subsection**
36 **(2), paragraph (c) of subsection (4), and paragraph (b) of**
37 **subsection (6) of section 943.059, Florida Statutes, are amended**
38 **to read:**

39 943.059 Court-ordered sealing of criminal history
40 records.—

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

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

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

49 2. The petition to seal pertains to a misdemeanor offense
50 that the person was adjudicated guilty of and such offense was

51 not a violent offense or any of the following misdemeanor
52 offenses:

- 53 a. A crime of domestic violence, as defined in s. 741.28;
54 b. Driving under the influence under s. 316.193;
55 c. Violation of pretrial release related to domestic
56 violence under s. 741.29;
57 d. Violation of injunction for protection against domestic
58 violence under s. 741.31;
59 e. Violation of pretrial release related to dating
60 violence under s. 784.046;
61 f. Violation of injunction for protection against repeat
62 violence, sexual violence, or dating violence under s. 784.047;
63 g. Stalking, as defined in s. 784.048;
64 h. Violation of injunction for protection against
65 stalking or cyberstalking under s. 784.0487;
66 i. Sexual cyberharassment, as defined in s. 784.049;
67 j. Unnatural and lascivious act under s. 800.02; or
68 k. Exposure of sexual organs, as defined in s. 800.03.

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

76 pursuant to s. 943.0515:

77 1. Assault, as defined in s. 784.011;

78 2. Battery, as defined in s. 784.03;

79 3. Assault on a law enforcement officer, a firefighter, or
80 other specified officers, as defined in s. 784.07(2)(a);

81 4. Carrying a concealed weapon, as defined in s.
82 790.01(2);

83 5. Open carrying of a weapon, as defined in s. 790.053;

84 6. Unlawful possession or discharge of a weapon or firearm
85 at a school-sponsored event or on school property, as defined in
86 s. 790.115;

87 7. Unlawful use of destructive devices or bombs, as
88 defined in s. 790.1615(1);

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

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

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

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

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

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

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

100 (d) The person is no longer serving the sentence or under

101 ~~court~~ supervision applicable to any ~~the~~ disposition of arrest or
102 alleged criminal activity to which the petition to seal
103 pertains.

104 (e) The person has never secured a prior sealing or
105 expunction of a criminal history record under this section, s.
106 943.0585, former s. 893.14, former s. 901.33, or former s.
107 943.058 related to an offense for which the person was
108 adjudicated guilty.

109 (f)1. If a person has previously secured the sealing of a
110 criminal history record relating to an offense for which an
111 adjudication of guilt was withheld and the person seeks to seal
112 a subsequent criminal history record relating to an offense for
113 which an adjudication of guilt was withheld, the person has not
114 had a conviction for a criminal offense for a period of three
115 years following the date on which a court withheld an
116 adjudication of guilt for the offense to which the subsequent
117 petition to seal pertains.

118 2. If the person seeks to seal a criminal history record
119 for an offense for which he or she was adjudicated guilty, the
120 person has not had a conviction for a criminal offense for a
121 period of 5 years following the date on which a court
122 adjudicated the person guilty.

123
124 For purposes of this paragraph, the term "conviction" has the
125 same meaning as in s. 943.0584(1).

126 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
127 court to seal a criminal history record, a person seeking to
128 seal a criminal history record must apply to the department for
129 a certificate of eligibility for sealing. The department shall
130 adopt rules relating to the application for and issuance of
131 certificates of eligibility for sealing.

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

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

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

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

143 (b) A certificate of eligibility for sealing is valid for
144 12 months after the date stamped on the certificate when issued
145 by the department. After that time, the petitioner must reapply
146 to the department for a new certificate of eligibility. The
147 status of the applicant and the law in effect at the time of the
148 renewal application determine the petitioner's eligibility.

149 (4) COURT AUTHORITY.—

150 (c) The court may order the sealing of a criminal history

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

176 2. Is a defendant in a criminal prosecution;

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

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

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

189 6.a. Is seeking to be employed or licensed by, or contract
190 with, the Department of Education, a district unit under s.
191 1001.30, a special district unit under s. 1011.24, the Florida
192 School for the Deaf and the Blind under s. 1002.36, the Florida
193 Virtual School under s. 1002.37, a virtual instruction program
194 under s. 1002.45, a charter school under s. 1002.33, a hope
195 operator under s. 1002.333, an alternative school under s.
196 1008.341, a private or parochial school, or a local governmental
197 entity that licenses child care facilities;

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

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

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

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

207 9. Is seeking to be appointed as a guardian pursuant to s.
208 744.3125; or

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

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