

By Senator Simon

3-01483-26

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A bill to be entitled

An act relating to the sealing of criminal history records; reenacting and amending s. 943.059, F.S.; providing that persons adjudicated guilty of certain misdemeanor offenses are eligible to petition a court to seal the criminal history record of such offenses; providing that persons previously adjudicated guilty of certain misdemeanor offenses are eligible to petition a court to seal a subsequent criminal history record; revising certain eligibility criteria to provide that a person is eligible to petition the court to seal a criminal history record if such person is no longer serving the sentence to which the petition to seal pertains; revising certain eligibility criteria to provide that a person is eligible to petition the court to seal a criminal history record if such person has never secured a prior sealing or expunction related to an offense for which the person was adjudicated guilty; authorizing 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; providing requirements for 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

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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, subsection (7) is added to that section,
and paragraph (a) of subsection (2) of that section 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
that the person was adjudicated guilty of and such misdemeanor
offense was not a violent offense; a misdemeanor offense of
domestic violence, as defined in s. 741.28; or a misdemeanor
violation of s. 316.193, s. 741.29, s. 741.31, s. 784.046, s.
784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s.
800.03.

(c)~~(b)~~ The person has never, before the date the
application for a certificate of eligibility is filed, been
adjudicated guilty in this state of a criminal offense other

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than an offense eligible for sealing under subparagraph (b)2.,
or been adjudicated delinquent in this state for committing any
felony or any of the following misdemeanor offenses, unless the
record of such adjudication of delinquency has been expunged
pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or
other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(2);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm
at a school-sponsored event or on school property, as defined in
s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined
in s. 790.1615(1);
8. Unlawful possession of a firearm by a minor, as defined
in s. 790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(1).

~~(c) 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.~~

(d) The person is no longer serving the sentence or under
~~court~~ supervision applicable to any ~~the~~ disposition of arrest or

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alleged criminal activity to which the petition to seal
pertains.

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

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

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

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

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

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

(4) COURT AUTHORITY.—

(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

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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;
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

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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 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

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determination of an applicant's eligibility under s. 790.06.

(7) WAITING PERIODS.—

(a) 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, the court may grant the petition to seal the subsequent criminal history record if the petitioner has maintained a conviction-free record in the 3 years after the date on which the court withheld an adjudication of guilt for the offense to which the subsequent petition to seal pertains.

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

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

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