

By Senator Simon

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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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30 person was adjudicated guilty; defining the term
31 "conviction"; providing an effective date.

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

34
35 Section 1. Subsection (1), paragraph (c) of subsection (4),
36 and paragraph (b) of subsection (6) of section 943.059, Florida
37 Statutes, are amended, subsection (7) is added to that section,
38 and paragraph (a) of subsection (2) of that section is
39 reenacted, to read:

40 943.059 Court-ordered sealing of criminal history 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 misdemeanor
51 offense was not a violent offense; a misdemeanor offense of
52 domestic violence, as defined in s. 741.28; or a misdemeanor
53 violation of s. 316.193, s. 741.29, s. 741.31, s. 784.046, s.
54 784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s.
55 800.03.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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88 alleged criminal activity to which the petition to seal
89 pertains.

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

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

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

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

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

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

112 (4) COURT AUTHORITY.—

113 (c) The court may order the sealing of a criminal history
114 record pertaining to one adjudication of guilt arrest or one
115 incident of alleged criminal activity only, except the court may
116 order the sealing of a criminal history record pertaining to

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117 more than one adjudication of guilt ~~arrest~~ if the additional
118 adjudications of guilt ~~arrests~~ directly relate to the original
119 arrest, original incident of criminal activity, or original
120 adjudication of guilt. If the court intends to order the sealing
121 of records pertaining to such additional adjudications of guilt
122 ~~arrests~~, such intent must be specified in the order. A criminal
123 justice agency may not seal any record pertaining to such
124 additional adjudications of guilt ~~arrests~~ if the order to seal
125 does not articulate the intention of the court to seal a record
126 pertaining to more than one adjudication of guilt ~~arrest~~. This
127 section does not prevent the court from ordering the sealing of
128 only a portion of a criminal history record ~~pertaining to one~~
129 ~~arrest or one incident of alleged criminal activity~~.

130 (6) EFFECT OF ORDER.—

131 (b) The subject of the criminal history record sealed under
132 this section or under other provisions of law, including former
133 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to
134 acknowledge the ~~arrests~~ or adjudications of guilt covered by the
135 sealed record, except when the subject of the record:

- 136 1. Is a candidate for employment with a criminal justice
137 agency;
- 138 2. Is a defendant in a criminal prosecution;
- 139 3. Concurrently or subsequently petitions for relief under
140 this section, s. 943.0583, or s. 943.0585;
- 141 4. Is a candidate for admission to The Florida Bar;
- 142 5. Is seeking to be employed or licensed by or to contract
143 with the Department of Children and Families, the Division of
144 Vocational Rehabilitation within the Department of Education,
145 the Agency for Health Care Administration, the Agency for

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146 Persons with Disabilities, the Department of Health, the
147 Department of Elderly Affairs, or the Department of Juvenile
148 Justice or to be employed or used by such contractor or licensee
149 in a sensitive position having direct contact with children, the
150 disabled, or the elderly;

151 6.a. Is seeking to be employed or licensed by, or contract
152 with, the Department of Education, a district unit under s.
153 1001.30, a special district unit under s. 1011.24, the Florida
154 School for the Deaf and the Blind under s. 1002.36, the Florida
155 Virtual School under s. 1002.37, a virtual instruction program
156 under s. 1002.45, a charter school under s. 1002.33, a hope
157 operator under s. 1002.333, an alternative school under s.
158 1008.341, a private or parochial school, or a local governmental
159 entity that licenses child care facilities;

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

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

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

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

169 9. Is seeking to be appointed as a guardian pursuant to s.
170 744.3125; or

171 10. Is seeking to be licensed by the Bureau of License
172 Issuance of the Division of Licensing within the Department of
173 Agriculture and Consumer Services to carry a concealed weapon or
174 concealed firearm. This subparagraph applies only in the

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

176 (7) WAITING PERIODS.—

177 (a) If a person has previously secured the sealing of a
178 criminal history record relating to an offense for which an
179 adjudication of guilt was withheld and the person seeks to seal
180 a subsequent criminal history record relating to an offense for
181 which an adjudication of guilt was withheld, the court may grant
182 the petition to seal the subsequent criminal history record if
183 the petitioner has maintained a conviction-free record in the 3
184 years after the date on which the court withheld an adjudication
185 of guilt for the offense to which the subsequent petition to
186 seal pertains.

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

192
193 For purposes of this subsection, the term "conviction" has the
194 same meaning as in s. 943.0584(1).

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