

By the Committee on Criminal Justice; and Senator Simon

591-02054-26

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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 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

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Statutes, are amended, 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 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

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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 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

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88 court to seal a criminal history record, a person seeking to
89 seal a criminal history record must apply to the department for
90 a certificate of eligibility for sealing. The department shall
91 adopt rules relating to the application for and issuance of
92 certificates of eligibility for sealing.

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

96 1. Satisfies the eligibility criteria in paragraphs (1)(a)-
97 (e) and is not ineligible for court-ordered sealing under s.
98 943.0584.

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

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

104 (4) COURT AUTHORITY.—

105 (c) The court may order the sealing of a criminal history
106 record pertaining to one adjudication of guilt ~~arrest or one~~
107 ~~incident of alleged criminal activity~~ only, except the court may
108 order the sealing of a criminal history record pertaining to
109 more than one adjudication of guilt ~~arrest~~ if the additional
110 adjudications of guilt ~~arrests~~ directly relate to the original
111 arrest, original incident of criminal activity, or original
112 adjudication of guilt. If the court intends to order the sealing
113 of records pertaining to such additional adjudications of guilt
114 ~~arrests~~, such intent must be specified in the order. A criminal
115 justice agency may not seal any record pertaining to such
116 additional adjudications of guilt ~~arrests~~ if the order to seal

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117 does not articulate the intention of the court to seal a record
118 pertaining to more than one adjudication of guilt ~~arrest~~. This
119 section does not prevent the court from ordering the sealing of
120 only a portion of a criminal history record ~~pertaining to one~~
121 ~~arrest or one incident of alleged criminal activity~~.

122 (6) EFFECT OF ORDER.—

123 (b) The subject of the criminal history record sealed under
124 this section or under other provisions of law, including former
125 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to
126 acknowledge the arrests or adjudications of guilt covered by the
127 sealed record, except when the subject of the record:

128 1. Is a candidate for employment with a criminal justice
129 agency;

130 2. Is a defendant in a criminal prosecution;

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

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

134 5. Is seeking to be employed or licensed by or to contract
135 with the Department of Children and Families, the Division of
136 Vocational Rehabilitation within the Department of Education,
137 the Agency for Health Care Administration, the Agency for
138 Persons with Disabilities, the Department of Health, the
139 Department of Elderly Affairs, or the Department of Juvenile
140 Justice or to be employed or used by such contractor or licensee
141 in a sensitive position having direct contact with children, the
142 disabled, or the elderly;

143 6.a. Is seeking to be employed or licensed by, or contract
144 with, the Department of Education, a district unit under s.
145 1001.30, a special district unit under s. 1011.24, the Florida

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146 School for the Deaf and the Blind under s. 1002.36, the Florida
147 Virtual School under s. 1002.37, a virtual instruction program
148 under s. 1002.45, a charter school under s. 1002.33, a hope
149 operator under s. 1002.333, an alternative school under s.
150 1008.341, a private or parochial school, or a local governmental
151 entity that licenses child care facilities;

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

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

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

158 8. Is seeking to be licensed by the Division of Insurance
159 Agent and Agency Services within the Department of Financial
160 Services;

161 9. Is seeking to be appointed as a guardian pursuant to s.
162 744.3125; or

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

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