

1                                   A bill to be entitled  
 2           An act relating to court-ordered sealing of criminal  
 3           history records; amending s. 943.059, F.S.; revising  
 4           eligibility requirements for the court-ordered sealing  
 5           of certain criminal history records; authorizing  
 6           courts to seal additional adjudications of guilt in  
 7           certain circumstances; providing an effective date.

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 9   Be It Enacted by the Legislature of the State of Florida:

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 11           **Section 1. Subsection (1), paragraph (c) of subsection**  
 12           **(4), and paragraph (b) of subsection (6) of section 943.059,**  
 13           **Florida Statutes, are amended to read:**

14           943.059 Court-ordered sealing of criminal history  
 15           records.—

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

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

20           (b) The criminal history record for which the person seeks  
 21           a court-ordered sealing is:

22           1. Not related to an offense for which the person was  
 23           adjudicated guilty of, or adjudicated delinquent for committing,  
 24           any of the acts stemming from the arrest or alleged criminal  
 25           activity to which the petition to seal pertains; or

26           2. Related to a misdemeanor offense for which the person  
 27 was adjudicated guilty if the misdemeanor offense was not a  
 28 violent offense; a misdemeanor crime of domestic violence, as  
 29 defined in s. 741.28; or a misdemeanor violation of s. 741.29,  
 30 s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or  
 31 s. 784.049.

32           (c) ~~(b)~~ The person has never, before the date the  
 33 application for a certificate of eligibility is filed, been  
 34 adjudicated guilty in this state of a criminal offense other  
 35 than an offense eligible for sealing under subparagraph (b)2.,  
 36 or been adjudicated delinquent in this state for committing any  
 37 felony or any of the following misdemeanor offenses, unless the  
 38 record of such adjudication of delinquency has been expunged  
 39 pursuant to s. 943.0515:

- 40           1. Assault, as defined in s. 784.011;
- 41           2. Battery, as defined in s. 784.03;
- 42           3. Assault on a law enforcement officer, a firefighter, or
- 43 other specified officers, as defined in s. 784.07(2)(a);
- 44           4. Carrying a concealed weapon, as defined in s.
- 45 790.01(2);
- 46           5. Open carrying of a weapon, as defined in s. 790.053;
- 47           6. Unlawful possession or discharge of a weapon or firearm
- 48 at a school-sponsored event or on school property, as defined in
- 49 s. 790.115;
- 50           7. Unlawful use of destructive devices or bombs, as

51 defined in s. 790.1615(1);

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

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

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

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

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

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

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

63 (d) The person is no longer serving the sentence or under  
64 ~~court~~ supervision applicable to any ~~the~~ disposition of arrest or  
65 alleged criminal activity to which the petition to seal  
66 pertains.

67 (e) The person has not on more than two occasions ~~never~~  
68 secured a prior sealing or expunction of a criminal history  
69 record under this section, s. 943.0585, former s. 893.14, former  
70 s. 901.33, or former s. 943.058. In addition, if the criminal  
71 history record is one for which the person was adjudicated  
72 guilty, the person has not secured a prior sealing of a criminal  
73 history record for which the person was adjudicated guilty.

74 (4) COURT AUTHORITY.—

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

76 records as follows:

77 1. The court may order the sealing of a criminal history  
78 record pertaining to one arrest or one incident of alleged  
79 criminal activity only, except the court may order the sealing  
80 of a criminal history record pertaining to more than one arrest  
81 if the additional arrests directly relate to the original  
82 arrest. If the court intends to order the sealing of records  
83 pertaining to such additional arrests, such intent must be  
84 specified in the order. A criminal justice agency may not seal  
85 any record pertaining to such additional arrests if the order to  
86 seal does not articulate the intention of the court to seal a  
87 record pertaining to more than one arrest. This section does not  
88 prevent the court from ordering the sealing of only a portion of  
89 a criminal history record pertaining to one arrest or one  
90 incident of alleged criminal activity.

91 2. The court may order the sealing of a criminal history  
92 record pertaining to not more than three records of adjudication  
93 of guilt, except the court may order the sealing of a criminal  
94 history record pertaining to additional adjudications of guilt  
95 if the additional adjudications of guilt directly relate to the  
96 original adjudication of guilt. If the court intends to order  
97 the sealing of records pertaining to such additional  
98 adjudications of guilt, such intent must be specified in the  
99 order. A criminal justice agency may not seal any record  
100 pertaining to such additional adjudications of guilt if the

101 order to seal does not articulate the intention of the court to  
102 seal a record pertaining to more than one adjudication of guilt.  
103 This subparagraph does not prevent the court from ordering the  
104 sealing of only a portion of a criminal history record  
105 pertaining to one adjudication of guilt or one incident of  
106 alleged criminal activity.

107 (6) EFFECT OF ORDER.—

108 (b) The subject of the criminal history record sealed  
109 under this section or under other provisions of law, including  
110 former ss. 893.14, 901.33, and 943.058, may lawfully deny or  
111 fail to acknowledge the arrests or adjudications of guilt  
112 covered by the sealed record, except when the subject of the  
113 record:

- 114 1. Is a candidate for employment with a criminal justice  
115 agency;
- 116 2. Is a defendant in a criminal prosecution;
- 117 3. Concurrently or subsequently petitions for relief under  
118 this section, s. 943.0583, or s. 943.0585;
- 119 4. Is a candidate for admission to The Florida Bar;
- 120 5. Is seeking to be employed or licensed by or to contract  
121 with the Department of Children and Families, the Division of  
122 Vocational Rehabilitation within the Department of Education,  
123 the Agency for Health Care Administration, the Agency for  
124 Persons with Disabilities, the Department of Health, the  
125 Department of Elderly Affairs, or the Department of Juvenile

126 Justice or to be employed or used by such contractor or licensee  
 127 in a sensitive position having direct contact with children, the  
 128 disabled, or the elderly;

129 6.a. Is seeking to be employed or licensed by, or contract  
 130 with, the Department of Education, a district unit under s.  
 131 1001.30, a special district unit under s. 1011.24, the Florida  
 132 School for the Deaf and the Blind under s. 1002.36, the Florida  
 133 Virtual School under s. 1002.37, a virtual instruction program  
 134 under s. 1002.45, a charter school under s. 1002.33, a hope  
 135 operator under s. 1002.333, an alternative school under s.  
 136 1008.341, a private or parochial school, or a local governmental  
 137 entity that licenses child care facilities;

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

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

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

144 8. Is seeking to be licensed by the Division of Insurance  
 145 Agent and Agency Services within the Department of Financial  
 146 Services;

147 9. Is seeking to be appointed as a guardian pursuant to s.  
 148 744.3125; or

149 10. Is seeking to be licensed by the Bureau of License  
 150 Issuance of the Division of Licensing within the Department of

151 Agriculture and Consumer Services to carry a concealed weapon or  
152 concealed firearm. This subparagraph applies only in the  
153 determination of an applicant's eligibility under s. 790.06.

154 **Section 2.** This act shall take effect July 1, 2025.