



912200

LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Criminal and Civil Justice
(Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 38 - 81

and insert:

2. One prior expunction was granted for a criminal history record for an offense that was committed when he or she was a minor, and the record is otherwise eligible for expunction. This subparagraph does not apply if the prior expunction was for an offense in which the minor was charged as an adult. The requirement for the record to have previously been sealed for a



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11 minimum of 10 years under paragraph (h) does not apply to this
12 subparagraph.

13 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
14 to expunge a criminal history record, a person seeking to
15 expunge a criminal history record must apply to the department
16 for a certificate of eligibility for expunction. The department
17 shall adopt rules to establish procedures for applying for and
18 issuing a certificate of eligibility for expunction.

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

22 1. Satisfies the eligibility criteria in paragraphs (1) (a)-
23 (h) and is not ineligible under s. 943.0584.

24 2. Has submitted to the department a written certified
25 statement from the appropriate state attorney or statewide
26 prosecutor which confirms the criminal history record complies
27 with the criteria in paragraph (1) (a) or paragraphs (1) (b) and
28 (c).

29 3. Has submitted to the department a certified copy of the
30 disposition of the charge to which the petition to expunge
31 pertains.

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

35 (3) PETITION.—Each petition to expunge a criminal history
36 record must be accompanied by:

37 (a) A valid certificate of eligibility issued by the
38 department.

39 (b) The petitioner's sworn statement that he or she:



40 1. Satisfies the eligibility requirements for expunction in
41 subsection (1).

42 2. Is eligible for expunction to the best of his or her
43 knowledge and does not have any other petition to seal or
44 expunge a criminal history record pending before any court.

45
46 A person who knowingly provides false information on such sworn
47 statement commits a felony of the third degree, punishable as
48 provided in s. 775.082, s. 775.083, or s. 775.084.

49 Section 2. Paragraph (e) of subsection (1) of section
50 943.059, Florida Statutes, is amended to read:

51 943.059 Court-ordered sealing of criminal history records.-

52 (1) ELIGIBILITY.-A person is eligible to petition a court
53 to seal a criminal history record when:

54 (e) The person has never secured a prior sealing or
55 expunction of a criminal history record under this section, s.
56 943.0585, except s. 943.0585(1)(g)2., former s. 893.14, former
57 s. 901.33, or former s. 943.058.

58
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete lines 9 - 12

62 and insert:

63 expunction of a criminal history record to allow one
64 prior expunction of a criminal history record granted
65 for an offense committed when the person was a minor;
66 providing applicability; amending s. 943.059, F.S.;
67 conforming a provision to changes made by the act;
68 providing an effective date.