

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Smith offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 39-82 and insert:

5 2. One prior expunction was granted for a criminal history  
6 record for an offense that was committed when he or she was a  
7 minor and the record is otherwise eligible for expunction. This  
8 subparagraph does not apply if the prior expunction was for an  
9 offense in which the minor was charged as an adult. The  
10 requirement for the record to have previously been sealed for a  
11 minimum of 10 years under paragraph (h) does not apply to this  
12 subparagraph.

768039

Approved For Filing: 4/3/2023 11:25:20 AM

Amendment No.

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  
20 eligibility for expunction to a person who is the subject of a  
21 criminal history record if that person:

22 1. Satisfies the eligibility criteria in paragraphs  
23 (1)(a)-(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:

768039

Approved For Filing: 4/3/2023 11:25:20 AM

Amendment No.

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  
41 in 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  
52 records.—

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

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

59

60

61

-----

768039

Approved For Filing: 4/3/2023 11:25:20 AM

Amendment No.

**T I T L E   A M E N D M E N T**

Remove lines 9-12 and insert:  
expunction of a criminal history record to allow one prior  
expunction of a criminal history record granted for an  
offense committed when the person was a minor; providing  
applicability; amending s. 943.059, F.S.; conforming a  
provision to changes made by the act; providing an  
effective date.

768039

Approved For Filing: 4/3/2023 11:25:20 AM