

ENROLLED

CS/HB 605, Engrossed 1

2023 Legislature

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 2 An act relating to expunction of criminal history
 3 records; reenacting and amending s. 943.0585, F.S.;
 4 revising an eligibility criterion under which a person
 5 is eligible to petition a court to expunge a criminal
 6 history record if an indictment, information, or other
 7 charging document was dismissed by a court; expanding
 8 an exception to an eligibility requirement for
 9 expunction of a criminal history record to allow a
 10 prior expunction of a criminal history record granted
 11 for an offense committed when the person was a minor;
 12 providing applicability; providing an effective date.

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

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 16 Section 1. Paragraphs (b) and (g) of subsection (1) of
 17 section 943.0585, Florida Statutes, are amended, and paragraph
 18 (a) of subsection (2) and subsection (3) of that section are
 19 reenacted, to read:

20 943.0585 Court-ordered expunction of criminal history
 21 records.—

22 (1) ELIGIBILITY.—A person is eligible to petition a court
 23 to expunge a criminal history record if:

24 (b) An indictment, information, or other charging document
 25 was filed or issued in the case giving rise to the criminal

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26 history record, was dismissed or nolle prosequi by the state
 27 attorney or statewide prosecutor, or was dismissed by a court of
 28 competent jurisdiction, unless such dismissal was pursuant to s.
 29 916.145 or s. 985.19, or a judgment of acquittal was rendered by
 30 a judge, or a verdict of not guilty was rendered by a judge or
 31 jury.

32 (g) The person has never secured a prior sealing or
 33 expunction of a criminal history record under this section, s.
 34 943.059, former s. 893.14, former s. 901.33, or former s.
 35 943.058, unless:

36 1. Expunction is sought of a criminal history record
 37 previously sealed for 10 years pursuant to paragraph (h) and the
 38 record is otherwise eligible for expunction; or

39 2. One prior expunction was granted for a criminal history
 40 record for an offense that was committed when he or she was a
 41 minor and the record is otherwise eligible for expunction. This
 42 subparagraph does not apply if the prior expunction was for an
 43 offense in which the minor was charged as an adult. The
 44 requirement for the record to have previously been sealed for a
 45 minimum of 10 years under paragraph (h) does not apply to this
 46 subparagraph.

47 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
 48 to expunge a criminal history record, a person seeking to
 49 expunge a criminal history record must apply to the department
 50 for a certificate of eligibility for expunction. The department

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51 shall adopt rules to establish procedures for applying for and
 52 issuing a certificate of eligibility for expunction.

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

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

58 2. Has submitted to the department a written certified
 59 statement from the appropriate state attorney or statewide
 60 prosecutor which confirms the criminal history record complies
 61 with the criteria in paragraph (1)(a) or paragraphs (1)(b) and
 62 (c).

63 3. Has submitted to the department a certified copy of the
 64 disposition of the charge to which the petition to expunge
 65 pertains.

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

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

71 (a) A valid certificate of eligibility issued by the
 72 department.

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

74 1. Satisfies the eligibility requirements for expunction
 75 in subsection (1).

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

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

83 Section 2. This act shall take effect July 1, 2023.