

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 1065 — Expunction of Criminal History Records

by Criminal Justice Subcommittee and Reps. Eagle, Jones, and others (CS/SB 298 by Criminal Justice Committee and Senator Bracy)

The bill enables a person to seek an expunction of a criminal history record if the charges related to the petition resulted in a judgment of acquittal or a not guilty verdict.

Additionally, the bill prohibits a person who was found guilty, or pled guilty or nolo contendere to one of the following offenses, or a person who, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, one of the following offenses, from being eligible to seek a sealing of his or her criminal history record:

- Sexual misconduct (ss. 393.135, 394.4593, and 916.1075, F.S.);
- Luring or enticing a child (s. 787.025, F.S.);
- Sexual battery (ch. 794, F.S.);
- Procuring person under age 18 for prostitution (former s. 796.03, F.S.);
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age (s. 800.04, F.S.);
- Voyeurism (s. 810.14, F.S.);
- Violations of the Florida Communications Fraud Act (s. 817.034, F.S.);
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person (s. 825.1025, F.S.);
- Sexual performance by a child (s. 827.071, F.S.);
- Offenses by public officers and employees (ch. 839, F.S.);
- Certain acts in connection with obscenity (s. 847.0133, F.S.);
- Computer pornography (s. 847.0135, F.S.);
- Selling or buying of minors (s. 847.0145, F.S.);
- Trafficking (s. 893.135, F.S.);
- A violation enumerated in s. 907.041, F.S.;
- Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, F.S., without regard to whether that offense alone is sufficient to require such registration; or
- Registration as a sexual offender pursuant to s. 943.0435, F.S.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 37-0; House 114-0