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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/07/2015	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 18 - 28

and insert:

Section 1. Subsection (2) of section 790.23, Florida  
Statutes, is amended to read:

790.23 Felons and delinquents; possession of firearms,  
ammunition, or electric weapons or devices unlawful.—

(2) This section shall not apply to a person:

(a) Convicted of a felony whose civil rights and firearm



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11 authority have been restored.

12 (b) Whose criminal history record has been expunged  
13 pursuant to s. 943.0515(1)(b).

14 Section 2. Paragraph (b) of subsection (1) of section  
15 943.0515, Florida Statutes, is amended to read:

16 943.0515 Retention of criminal history records of minors.-

17 (1)

18 (b)1. If the minor is not classified as a serious or  
19 habitual juvenile offender or committed to a juvenile  
20 correctional facility or juvenile prison under chapter 985, the  
21 program shall retain the minor's criminal history record for 2 5  
22 years after the date the minor reaches 19 years of age, at which  
23 time the record shall be expunged unless it meets the criteria  
24 of paragraph (2) (a) or paragraph (2) (b).

25 2. A minor described in subparagraph 1. may apply to the  
26 department to have his or her criminal history record expunged  
27 before the minor reaches 21 years of age. To be eligible for  
28 expunction under this subparagraph, the minor must be 18 years  
29 of age or older and less than 21 years of age and have not been  
30 charged by the state attorney with or found to have committed  
31 any criminal offense within the 5-year period before the  
32 application date. The only offenses eligible to be expunged  
33 under this subparagraph are those that the minor committed  
34 before the minor reached 18 years of age. A criminal history  
35 record expunged under this subparagraph requires the approval of  
36 the state attorney for each circuit in which an offense  
37 specified in the criminal history record occurred. A minor  
38 seeking to expunge a criminal history record under this  
39 subparagraph shall apply to the department for expunction in the



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40 manner prescribed by rule. An application for expunction under  
41 this subparagraph shall include:

42 a. A processing fee of \$75 to the department for placement  
43 in the Department of Law Enforcement Operating Trust Fund,  
44 unless such fee is waived by the executive director.

45 b. A full set of fingerprints of the applicant taken by a  
46 law enforcement agency for purposes of identity verification.

47 c. A sworn, written statement from the minor seeking relief  
48 that he or she is no longer under court supervision applicable  
49 to the disposition of the arrest or alleged criminal activity to  
50 which the application to expunge pertains and that he or she has  
51 not been charged with or found to have committed a criminal  
52 offense, in any jurisdiction of the state or within the United  
53 States, within the 5-year period before the application date.

54  
55 A person who knowingly provides false information on the sworn  
56 statement required by this sub-subparagraph commits a felony of  
57 the third degree, punishable as provided in s. 775.082, s.  
58 775.083, or s. 775.084.

59 3. A minor who applies, but who is not approved for early  
60 expunction in accordance with subparagraph 2., shall have his or  
61 her criminal history record expunged at age 21 if eligible under  
62 subparagraph 1.

63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 3 - 5

67 and insert:

68 amending s. 790.23, F.S.; creating an exception for



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69 specified minors who, prior to attaining 21 years of  
70 age, had a criminal history record expunged; amending  
71 s. 943.0515, F.S.; decreasing the period of time that  
72 a minor's criminal history record must be retained  
73 before expunction; authorizing specified minors to  
74 apply for expunction of a criminal history record  
75 under certain circumstances; establishing an  
76 application process and requiring that specified  
77 documentation be submitted to the Department of Law  
78 Enforcement; requiring that specified fees be  
79 deposited into the Department of Law Enforcement  
80 Operating Trust Fund; requiring a sworn written  
81 statement from the applicant; providing a criminal  
82 penalty for perjury on such sworn written statement;  
83 amending s. 943.0582,