

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eagle offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 121 and 122, insert:

5 Section 2. Paragraphs (c) through (f) of subsection (2) of
6 section 943.059, Florida Statutes, are redesignated as
7 paragraphs (d) through (g), respectively, and a new paragraph
8 (c) is added to that subsection, to read:

9 943.059 Court-ordered sealing of criminal history
10 records.—The courts of this state shall continue to have
11 jurisdiction over their own procedures, including the
12 maintenance, sealing, and correction of judicial records
13 containing criminal history information to the extent such

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14 procedures are not inconsistent with the conditions,
15 responsibilities, and duties established by this section. Any
16 court of competent jurisdiction may order a criminal justice
17 agency to seal the criminal history record of a minor or an
18 adult who complies with the requirements of this section. The
19 court shall not order a criminal justice agency to seal a
20 criminal history record until the person seeking to seal a
21 criminal history record has applied for and received a
22 certificate of eligibility for sealing pursuant to subsection
23 (2). A criminal history record that relates to a violation of s.
24 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
25 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
26 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
27 s. 916.1075, a violation enumerated in s. 907.041, or any
28 violation specified as a predicate offense for registration as a
29 sexual predator pursuant to s. 775.21, without regard to whether
30 that offense alone is sufficient to require such registration,
31 or for registration as a sexual offender pursuant to s.
32 943.0435, may not be sealed, without regard to whether
33 adjudication was withheld, if the defendant was found guilty of
34 or pled guilty or nolo contendere to the offense, or if the
35 defendant, as a minor, was found to have committed or pled
36 guilty or nolo contendere to committing the offense as a
37 delinquent act. The court may only order sealing of a criminal
38 history record pertaining to one arrest or one incident of

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39 | alleged criminal activity, except as provided in this section.
40 | The court may, at its sole discretion, order the sealing of a
41 | criminal history record pertaining to more than one arrest if
42 | the additional arrests directly relate to the original arrest.
43 | If the court intends to order the sealing of records pertaining
44 | to such additional arrests, such intent must be specified in the
45 | order. A criminal justice agency may not seal any record
46 | pertaining to such additional arrests if the order to seal does
47 | not articulate the intention of the court to seal records
48 | pertaining to more than one arrest. This section does not
49 | prevent the court from ordering the sealing of only a portion of
50 | a criminal history record pertaining to one arrest or one
51 | incident of alleged criminal activity. Notwithstanding any law
52 | to the contrary, a criminal justice agency may comply with laws,
53 | court orders, and official requests of other jurisdictions
54 | relating to sealing, correction, or confidential handling of
55 | criminal history records or information derived therefrom. This
56 | section does not confer any right to the sealing of any criminal
57 | history record, and any request for sealing a criminal history
58 | record may be denied at the sole discretion of the court.

59 | (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
60 | petitioning the court to seal a criminal history record, a
61 | person seeking to seal a criminal history record shall apply to
62 | the department for a certificate of eligibility for sealing. The
63 | department shall, by rule adopted pursuant to chapter 120,

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64 establish procedures pertaining to the application for and
65 issuance of certificates of eligibility for sealing. A
66 certificate of eligibility for sealing is valid for 12 months
67 after the date stamped on the certificate when issued by the
68 department. After that time, the petitioner must reapply to the
69 department for a new certificate of eligibility. Eligibility for
70 a renewed certification of eligibility must be based on the
71 status of the applicant and the law in effect at the time of the
72 renewal application. The department shall issue a certificate of
73 eligibility for sealing to a person who is the subject of a
74 criminal history record provided that such person:

75 (c) Is not seeking to seal a criminal history record that
76 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
77 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
78 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
79 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
80 s. 907.041, or any violation specified as a predicate offense
81 for registration as a sexual predator pursuant to s. 775.21,
82 without regard to whether that offense alone is sufficient to
83 require such registration, or for registration as a sexual
84 offender pursuant to s. 943.0435, where the defendant was found
85 guilty of, or pled guilty or nolo contendere to any such
86 offense, or that the defendant, as a minor, was found to have
87 committed, or pled guilty or nolo contendere to committing, such

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88 an offense as a delinquent act, without regard to whether
89 adjudication was withheld.

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T I T L E A M E N D M E N T

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Remove line 6 and insert:

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expunged; amending s. 943.059, F.S.; revising the

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circumstances under which the Department of Law

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Enforcement must issue a certificate of eligibility

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for the sealing of a criminal history record;

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providing an effective date.

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