

By Senator Brandes

24-00031-22

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1 A bill to be entitled
2 An act relating to fees; amending s. 943.0586, F.S.;
3 requiring applicants for a certificate of eligibility
4 for expunction of certain criminal history records to
5 pay a specified fee to the Department of Law
6 Enforcement for placement in a specified trust fund;
7 providing an exception; providing a contingent
8 effective date.

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

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12 Section 1. Paragraph (a) of subsection (3) of section
13 943.0586, Florida Statutes, as created by SB ___ or other
14 similar legislation, is amended to read:

15 943.0586 Cannabis expunction.—

16 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
17 to expunge a criminal history record under this section, a
18 person seeking to expunge a criminal history record must apply
19 to the department for a certificate of eligibility for
20 expunction. The department shall adopt rules to establish
21 procedures for applying for and issuing a certificate of
22 eligibility for expunction.

23 (a) The department shall issue a certificate of eligibility
24 for expunction to a person who is the subject of a criminal
25 history record under this section, if that person:

- 26 1. Satisfies the eligibility criteria in subsection (2);
27 2. Has submitted to the department a written certified
28 statement from the appropriate state attorney or statewide
29 prosecutor which confirms the criminal history record complies

24-00031-22

2022778__

30 with the criteria in subsection (2); ~~and~~

31 3. Has submitted to the department a certified copy of the
32 disposition of the charge to which the petition to expunge
33 pertains; and

34 4. Remits a \$75 processing fee to the department for
35 placement in the Department of Law Enforcement Operating Trust
36 Fund, unless the executive director waives the fee.

37 Section 2. This act shall take effect on the same date that
38 SB ___ or similar legislation takes effect, if such legislation
39 is adopted in the same legislative session or an extension
40 thereof and becomes a law.