

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1000

INTRODUCER: Criminal Justice Committee and Senator Simon

SUBJECT: Court-ordered Sealing of Criminal History Records

DATE: April 2, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1000 amends s. 943.059, F.S., to expand eligibility for court-ordered sealing of criminal history records.

The bill adds criteria to provide a person is eligible, in part, to petition a court to seal a criminal history record when the criminal history record is:

- Not related to an offense for which the person was adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains; or
- Related to a misdemeanor offense for which the person was adjudicated guilty if such offense was not a violent offense, or relating to specified offenses.

Additionally, the bill provides a person is eligible to petition a court to seal a criminal history record if the person has not on more than two occasions secured a prior sealing or expunction.

The bill allows the court to order the sealing of a criminal history record pertaining to additional adjudication of guilt if the additional adjudications of guilt directly related to the original adjudication of guilt.

The bill takes effect July 1, 2025.

II. Present Situation:

Court-ordered Sealing of Criminal History Records

“Sealing of a criminal history record” means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein.¹ This process differs from an “expunction of a criminal history record”² which means the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the Florida Department of Law Enforcement (FDLE) must be retained in all cases for the purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for the purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction.

Eligibility

A person is eligible to petition a court to seal a criminal history record³ when:

- The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty⁴ in this state of a criminal offense, or been adjudicated delinquent in this state for committing any felony or any of the specified misdemeanor offenses,⁵ unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515, F.S.⁶
- The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;⁷
- The person is no longer under court supervision applicable to the disposition⁸ of arrest or alleged criminal activity to which the petition to seal pertains;⁹

¹ Section 943.045(19), F.S.

² Section 943.045(16), F.S.

³ “Criminal history record” means any nonjudicial record maintained by a criminal justice agency containing criminal history information. Section 943.045(6), F.S.

⁴ “Adjudicated guilty” means that a person has been found guilty and that the court has not withheld an adjudication of guilt. Section 943.045(1), F.S.

⁵ Assault; Battery; Assault on a law enforcement officer, firefighter, or other specified officer; carrying a concealed weapon; open carrying of a weapon; Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property; Unlawful use of destructive devices or bombs; Unlawful possession of a firearm by a minor; Exposure of sexual organs; Arson; Petit theft; Neglect of a child; Cruelty to animals. Section 943.059(1)(b)1.-13., F.S.

⁶ Section 943.059(1)(b)1.-13., F.S.

⁷ Section 943.059(1)(c), F.S.

⁸ “Disposition” means details relating to the termination of an individual criminal defendant’s relationship with a criminal justice agency, including information disclosing that the law enforcement agency has elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, that a court has dealt with the individual, or that the individual has been incarcerated, paroled, pardoned, released, or granted clemency. Dispositions include, but are not limited to, acquittals, dismissals, pleas, convictions, adjudications, youthful offender determinations, determinations of mental capacity, placements in intervention programs, pardons, probations, paroles, and releases from correctional institutions. Section 943.045(14), F.S.

⁹ Section 943.059(1)(d), F.S.

- The person has never secured a prior sealing or expunction of a criminal history record under s. 943.059, F.S., s. 943.0585, F.S., former s. 893.14, F.S., former s. 901.33, F.S., or former s. 943.058, F.S.¹⁰
- The criminal history record is not ineligible for court-ordered sealing under s. 943.0584, F.S.¹¹

Pursuant to s. 943.0584, F.S., a criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction or a certificate of eligibility for sealing or a court-ordered sealing if the record is for a conviction of the following offenses:

- Sexual misconduct;
- Illegal use of explosives;
- Terrorism;
- Murder;
- Manslaughter or homicide;
- Assault or battery of one family or household member by another family or household member;
- Aggravated assault;
- Felony battery, domestic battery by strangulation, or aggravated battery;
- Stalking or aggravated stalking;
- Luring or enticing a child;
- Human trafficking;
- Kidnapping or false imprisonment;
- Any offense defined in ch. 794, F.S., relating to sexual battery;
- Procuring a person less than 18 years of age for prostitution;
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Arson;
- Burglary of a dwelling;
- Voyeurism or digital voyeurism;
- Robbery or robbery by sudden snatching;
- Carjacking;
- Home invasion robbery;
- A violation of the Florida Communications Fraud Act;
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
- Child abuse or aggravated child abuse;
- Sexual performance by a child;
- Any offense defined in ch. 839, F.S., relating to offenses by public officers and employees;
- Certain acts in connection with obscenity;
- Any offense defined in s. 847.0135, F.S., relating to offenses of child pornography, prohibited computer usage, and traveling to meet a minor;
- Selling or buying of minors;

¹⁰ Section 943.059(1)(e), F.S.

¹¹ Section 943.059(1)(a), F.S.

- Aircraft piracy;
- Manufacturing controlled substance;
- Drug trafficking; or
- Any violation specified as a predicate offense for registration as a sexual predator or sexual offender, without regard to whether that offense alone is sufficient to require such registration.

Petition

Before petitioning the court to seal, a person seeking to seal a criminal history record must apply to the FDLE for a certificate of eligibility for sealing. The FDLE issues the certificate of eligibility to a person if such person is eligible, has submitted a certified copy of the disposition of charge to which the petition pertains, and submits a \$75 processing fee.¹² A certificate of eligibility for sealing is valid for 12 months after the date stamped, after which a person must reapply.¹³

Each petition must be accompanied by:¹⁴

- A certificate of eligibility issued by the FDLE;
- The petitioner's sworn statement that the petitioner satisfies the eligibility requirements for sealing and is eligible for sealing to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a third degree felony.¹⁵

Processing a Petition or Order

A copy of the petition must be served to the appropriate state attorney and the arresting agency. If relief is granted by the court, the clerk sends certified copies of the order to the state attorney and arresting agency. The FDLE must forward the order to seal to the Federal Bureau of Investigation.¹⁶

A criminal history record of a minor or an adult which is ordered sealed, is confidential and exempt, and is available only to the following persons:¹⁷

- The subject of the record;
- The subject's attorney;

¹² Section 943.059(2)(a), F.S.

¹³ Section 943.059(2)(b), F.S.

¹⁴ Section 943.059(3), F.S.

¹⁵ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

¹⁶ Section 943.059(5), F.S.

¹⁷ Section 943.059(6)(a), F.S.

- Criminal justice agencies¹⁸ for their respective criminal justice purposes; which include conducting a criminal history background check for approval of firearm purchases or transfers as authorized by state or federal law;
- Judges in the state courts system for the purpose of assisting them in their case-related decision-making responsibilities, as set forth in s. 943.053(5), F.S.;¹⁹ or
- To certain entities for their respective licensing access authorization and employment purposes.

The subject of the criminal history record seal may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject:²⁰

- Is a candidate for employment with a criminal justice agency;
- Is a defendant in a criminal prosecution;
- Concurrently or subsequently petitions for relief under this section;
- Is a candidate for admission to The Florida Bar;
- Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
- Is seeking to be employed, licensed by, or contract with the Department of Education, a school district, a special school district, a charter school, a hope operation, an alternative school, a private school, or a local governmental entity that licenses child care facilities;
- Is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check under state or federal law;
- Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services;
- Is seeking to be appointed as a guardian;
- Is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm.

Subject to the aforementioned exceptions, a person who has been granted a sealing may not be held under any provision of law of this state to commit perjury or to be otherwise liable for

¹⁸ “Criminal justice agency” means a court; the department (FDLE); the Department of Juvenile Justice; the protective investigations component of the Department of Children and Families, which investigates the crimes of abuse and neglect; any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of the court and that allocates a substantial part of its annual budget to the administration of criminal justice. Section 943.045(11), F.S.

¹⁹ Pursuant to s. 943.053(5), F.S., notwithstanding the specified provisions, the department shall make online access to Florida criminal justice information available to each judge in the state courts system for the purpose of assisting judges in their case-related decision-making responsibilities. Such online access shall be provided without charge to the state courts system. Sealed records received by the courts under this section remain confidential and exempt from s. 119.07(1), F.S. The information provided pursuant to this section shall not take the place of any information required to be provided to the courts by any other agency or entity. Information provided under this section shall be used only for the official court business for which it was requested and may not be further disseminated.

²⁰ Section 943.059(6)(b), F.S.

giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.²¹

Information relating to the existence of a sealed criminal history record is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. An employee of an entity may not disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the subject or to persons having direct responsibility for employment, authorization, or licensure decisions. A person violating such prohibition commits a first degree misdemeanor.^{22,23}

Automatic Sealing of Criminal History Records

The FDLE must automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony²⁴ or for a specified offense which results in a defendant being required to register as a sexual offender²⁵ if:²⁶

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction as to all counts. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to ss. 916.145, or 985.19, F.S.
- A not guilty verdict was rendered by a judge or jury as to all counts. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.
- A judgement of acquittal was rendered by a judge as to all counts.

There is no limitation on the number of times a person may obtain an automatic sealing for criminal history record.²⁷

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.²⁸ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three

²¹ Section 943.059(6)(c), F.S.

²² A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

²³ Section 943.059(6)(d), F.S.

²⁴ Pursuant to s. 776.08, F.S., "forcible felony" means treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb, and any other felony which involves the use of threat of physical force or violence against any individual.

²⁵ Section 943.0435(1)(h)1.a.(I), F.S.

²⁶ Section 943.0595(2), F.S.

²⁷ Section 943.0595(2)(b), F.S.

²⁸ FLA. CONST. art. I, s. 24(a).

branches of state government, local governmental entities, and any person acting on behalf of the government.²⁹

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³⁰ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.³¹ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Records sealed under s. 943.059, F.S., are considered confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution and is only available to specified persons or entities.

III. Effect of Proposed Changes:

The bill amends s. 943.059, F.S., to expand eligibility for court-ordered sealing of criminal history records.

The bill adds criteria to provide a person is eligible, in part, to petition a court to seal a criminal history record when the criminal history record is:

- Not related to an offense for which the person was adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains; or
- Related to a misdemeanor offense for which the person was adjudicated guilty if such offense was not a violent offense, a misdemeanor offense relating to domestic violence or for a violation of an injunction for a protection order for domestic violence, a misdemeanor offense relating to dating violence or for a violation of an injunction for a protection order for repeat violence, sexual violence or dating violence, a misdemeanor offense relating to stalking, a misdemeanor offense for sexual cyberharassment, a violation of an injunction for protection against stalking or cyberstalking, a misdemeanor offense of an unnatural and lascivious act, a misdemeanor offense of exposure of sexual organs, or a misdemeanor offense of driving under the influence.

Additionally, the bill provides a person is eligible to petition a court to seal a criminal history record if the person has not on more than two occasions secured a prior sealing or expunction.

The bill allows the court to order the sealing of a criminal history record pertaining to additional adjudication of guilt if the additional adjudications of guilt directly related to the original adjudication of guilt.

The bill takes effect July 1, 2025.

²⁹ *Id.*

³⁰ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

³¹ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require the cities or counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill appears to expand the public records exemption by allowing previously restricted defendants to seal prior criminal records. Additionally, the bill expands the exemption to be applied adjudications of guilt. By expanding such exemption, the bill would require a separate public records bill containing a public necessity statement, and a two-thirds vote for passage.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.059 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on April 1, 2025:

This committee substitute:

- Specifies a person is not eligible to seal if the criminal history record is related to an offense of an unnatural and lascivious act, an offense of exposure of sexual organs, or an offense of driving under the influence.
- Makes a technical change to incorporate the court's authority to order the sealing of a criminal history record pertaining to adjudications of guilt.
- Removes provisions permitting the court to seal up to three records of adjudication of guilt.

B. Amendments:

None.