



761772

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2022	.	
	.	
	.	
	.	

The Committee on Appropriations (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) and (3) of section 943.0595,
Florida Statutes, are amended to read:

943.0595 Automatic sealing of criminal history records.—

(2) ELIGIBILITY.—

(a) The department and a court shall automatically seal a
criminal history record that does not result from an indictment,



761772

11 information, or other charging document for a forcible felony as
12 defined in s. 776.08 or for an offense enumerated in s.

13 943.0435(1)(h)1.a.(I), if:

14 1. An indictment, information, or other charging document
15 was not filed or issued in the case giving rise to the criminal
16 history record.

17 2. An indictment, information, or other charging document
18 was filed in the case giving rise to the criminal history
19 record, but was dismissed or nolle prosequi by the state
20 attorney or statewide prosecutor or was dismissed by a court of
21 competent jurisdiction. However, a person is not eligible for
22 automatic sealing under this section if the dismissal was
23 pursuant to s. 916.145 or s. 985.19.

24 3. A not guilty verdict was rendered by a judge or jury.
25 However, a person is not eligible for automatic sealing under
26 this section if the defendant was found not guilty by reason of
27 insanity.

28 4. A judgment of acquittal was rendered by a judge.

29 (b) There is no limitation on the number of times a person
30 may obtain an automatic sealing for a criminal history record
31 described in paragraph (a).

32 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

33 (a) Upon the disposition of a criminal case resulting in a
34 criminal history record eligible for automatic sealing under
35 paragraph (2)(a), the clerk of the court shall seal the criminal
36 history record and shall transmit a certified copy of the
37 disposition of the criminal history record to the department,
38 which shall seal the criminal history record upon receipt of the
39 certified copy.



761772

40 (b) Automatic sealing of a criminal history record does not
41 require sealing by ~~the court or other~~ criminal justice agencies,
42 or that such record be surrendered to the court, and such record
43 shall continue to be maintained by the department and other
44 criminal justice agencies.

45 (c) Except as provided in this section, automatic sealing
46 of a criminal history record shall have the same effect, and the
47 department and a court may disclose such a record in the same
48 manner, as a record sealed under s. 943.059.

49 Section 2. This act shall take effect July 1, 2022.

50

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

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to criminal history records; amending
57 s. 943.0595, F.S.; requiring a court to automatically
58 seal certain criminal history records that meet
59 specified criteria; requiring the clerk of the court
60 to seal certain criminal history records; conforming
61 provisions to changes made by the act; providing an
62 effective date.