

By Senator Burgess

23-00216A-23

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1 A bill to be entitled

2 An act relating to automatic sealing of criminal
3 history records; amending s. 943.0595, F.S.; requiring
4 a court to automatically seal certain criminal history
5 records that meet specified criteria; requiring the
6 clerk of the court to seal certain criminal history
7 records; conforming provisions to changes made by the
8 act; providing an 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. Subsections (2) and (3) of section 943.0595,
13 Florida Statutes, are amended to read:

14 943.0595 Automatic sealing of criminal history records.—

15 (2) ELIGIBILITY.—

16 (a) The department and a court shall automatically seal a
17 criminal history record that does not result from an indictment,
18 information, or other charging document for a forcible felony as
19 defined in s. 776.08 or for an offense enumerated in s.
20 943.0435(1)(h)1.a.(I), if:

21 1. An indictment, information, or other charging document
22 was not filed or issued in the case giving rise to the criminal
23 history record.

24 2. An indictment, information, or other charging document
25 was filed in the case giving rise to the criminal history
26 record, but was dismissed or nolle prosequi by the state
27 attorney or statewide prosecutor or was dismissed by a court of
28 competent jurisdiction. However, a person is not eligible for
29 automatic sealing under this section if the dismissal was

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30 pursuant to s. 916.145 or s. 985.19.

31 3. A not guilty verdict was rendered by a judge or jury.
32 However, a person is not eligible for automatic sealing under
33 this section if the defendant was found not guilty by reason of
34 insanity.

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

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

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

40 (a) Upon the disposition of a criminal case resulting in a
41 criminal history record eligible for automatic sealing under
42 paragraph (2)(a), the clerk of the court shall seal the criminal
43 history record and shall transmit a certified copy of the
44 disposition of the criminal history record to the department,
45 which shall seal the criminal history record upon receipt of the
46 certified copy.

47 (b) Automatic sealing of a criminal history record does not
48 require sealing by ~~the court or other~~ criminal justice agencies,
49 or that such record be surrendered to the court, and such record
50 shall continue to be maintained by the department and other
51 criminal justice agencies.

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

56 Section 2. This act shall take effect July 1, 2023.