

By the Committee on Criminal Justice; and Senators Burgess and Perry

591-03476-23

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1 A bill to be entitled

2 An act relating to automatic sealing of criminal
3 history records and making confidential related court
4 records; amending s. 943.0595, F.S.; requiring a clerk
5 of the court to automatically keep confidential court
6 records related to certain criminal history records
7 that meet specified criteria; conforming provisions to
8 changes made by the 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. Section 943.0595, Florida Statutes, is amended
13 to read:

14 943.0595 Automatic sealing of criminal history records;
15 confidentiality of related court records.—

16 (1) RULEMAKING.—Notwithstanding any law dealing generally
17 with the preservation and destruction of public records, the
18 department shall adopt rules addressing the automatic sealing of
19 any criminal history record of a minor or an adult described in
20 this section.

21 (2) ELIGIBILITY.—

22 (a) The department shall automatically seal a criminal
23 history record that does not result from an indictment,
24 information, or other charging document for a forcible felony as
25 defined in s. 776.08 or for an offense enumerated in s.
26 943.0435(1)(h)1.a.(I), if:

27 1. An indictment, information, or other charging document
28 was not filed or issued in the case giving rise to the criminal
29 history record.

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30 2. An indictment, information, or other charging document
31 was filed in the case giving rise to the criminal history
32 record, but was dismissed or nolle prosequi by the state
33 attorney or statewide prosecutor or was dismissed by a court of
34 competent jurisdiction as to all counts. However, a person is
35 not eligible for automatic sealing under this section if the
36 dismissal was pursuant to s. 916.145 or s. 985.19.

37 3. A not guilty verdict was rendered by a judge or jury as
38 to all counts. However, a person is not eligible for automatic
39 sealing under this section if the defendant was found not guilty
40 by reason of insanity.

41 4. A judgment of acquittal was rendered by a judge as to
42 all counts.

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

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

47 (a) Upon the disposition of a criminal case resulting in a
48 criminal history record eligible for automatic sealing under
49 paragraph (2) (a), the clerk of the court shall transmit a
50 certified copy of the disposition of the criminal history record
51 to the department, which shall seal the criminal history record
52 upon receipt of the certified copy.

53 **(b) The department shall notify the clerk of the court upon**
54 **the sealing of the criminal history record as provided in**
55 **paragraph (a). Upon such notification, the clerk of the court**
56 **must automatically keep confidential the related court record in**
57 **the case giving rise to the department's sealing of the criminal**
58 **history record.**

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59 (c) ~~(b)~~ Automatic sealing of a criminal history record and
60 making the related court record confidential does not require
61 sealing by ~~the court or~~ other criminal justice agencies, or that
62 such record be surrendered to the court, and such record shall
63 continue to be maintained by the department and other criminal
64 justice agencies.

65 (d) ~~(e)~~ Except as provided in this section, automatic
66 sealing of a criminal history record and making the related
67 court record confidential shall have the same effect, and the
68 department and the clerk of the court may disclose such a record
69 in the same manner, as a record sealed under s. 943.059.

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