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1
2 An act relating to automatic sealing of criminal
3 history records and making confidential and exempt
4 related court records; amending s. 943.0595, F.S.;
5 requiring a clerk of the court to automatically keep
6 confidential and exempt court records related to
7 certain criminal history records that meet specified
8 criteria; conforming provisions to changes made by the
9 act; providing an effective date.

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

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13 Section 1. Section 943.0595, Florida Statutes, is amended
14 to read:

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

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

22 (2) ELIGIBILITY.—

23 (a) The department shall automatically seal a criminal
24 history record that does not result from an indictment,
25 information, or other charging document for a forcible felony as
26 defined in s. 776.08 or for an offense enumerated in s.
27 943.0435(1)(h)1.a.(I), if:

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

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30 history record.

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

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

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

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

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

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

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

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59 record confidential and exempt from s. 119.071(1) and s. 24(a),
60 Art. I of the State Constitution.

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

67 (d) ~~(e)~~ Except as provided in this section, automatic
68 sealing of a criminal history record and making the related
69 court record confidential and exempt shall have the same effect,
70 and the department and the clerk of the court may disclose such
71 a record in the same manner, as a record sealed under s.
72 943.059.

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