

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 that
 5 all counts of an indictment, information, or charging
 6 document be dismissed or nolle prosequi or that a
 7 verdict of not guilty or a judgment of acquittal be
 8 entered on all counts to be eligible for automatic
 9 sealing; requiring a clerk of the court to
 10 automatically keep confidential and exempt court
 11 records related to certain criminal history records
 12 that meet specified criteria; conforming provisions to
 13 changes made by the act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Section 943.0595, Florida Statutes, is amended
 18 to read:

19 943.0595 Automatic sealing of criminal history records; confidentiality of related court records.-

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 21 (1) RULEMAKING.-Notwithstanding any law dealing generally
 22 with the preservation and destruction of public records, the
 23 department shall adopt rules addressing the automatic sealing of
 24 any criminal history record of a minor or an adult described in
 25 this section.

26 (2) ELIGIBILITY.—

27 (a) The department shall automatically seal a criminal
 28 history record that does not result from an indictment,
 29 information, or other charging document for a forcible felony as
 30 defined in s. 776.08 or for an offense enumerated in s.
 31 943.0435(1)(h)1.a.(I), if:

32 1. An indictment, information, or other charging document
 33 was not filed or issued in the case giving rise to the criminal
 34 history record.

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

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

46 4. A judgment of acquittal was rendered by a judge as to
 47 all counts.

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

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

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

58 (b) The department shall notify the clerk of the court
59 upon the sealing of the criminal history record as provided in
60 paragraph (a). Upon such notification, the clerk of the court
61 must automatically keep the related court record in the case
62 giving rise to the department's sealing of the criminal history
63 record confidential and exempt from s. 119.071(1) and s. 24(a),
64 Art. I of the State Constitution.

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

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

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2023

76 | 943.059.

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