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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (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 and
making confidential the related court records.—

(2) ELIGIBILITY.—

(a) The department shall automatically seal a criminal



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11 history record that does not result from an indictment,
12 information, or other charging document for a forcible felony as
13 defined in s. 776.08 or for an offense enumerated in s.

14 943.0435(1)(h)1.a.(I), if:

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

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

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

29 4. A judgment of acquittal was rendered by a judge as to
30 all counts.

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

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

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



40 upon receipt of the certified copy.

41 (b) The department shall notify the clerk of court upon the
42 sealing of the criminal history record as provided in paragraph
43 (a). Upon such notification the clerk of court must
44 automatically keep confidential the court record in the case
45 giving rise to the department's sealing of the criminal history
46 record

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

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

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

60 And the title is amended as follows:

61 Delete everything before the enacting clause
62 and insert:

63 A bill to be entitled
64 An act relating to automatic sealing of criminal
65 history records and making confidential related court
66 records; amending s. 943.0595, F.S.; requiring a clerk
67 of court to automatically keep confidential court
68 records related to certain criminal history records



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that meet specified criteria; conforming provisions to
changes made by the act; providing an effective date.