

**By** the Committees on Rules; and Criminal Justice; and Senators Burgess and Perry

595-04205-23

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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 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.