

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 court records related
 11 to certain criminal history records that meet
 12 specified criteria; conforming provisions to changes
 13 made by the act; providing an effective date.

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

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

18 943.0595 Automatic sealing of criminal history records;
 19 confidentiality of related court records.—

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

25 (2) ELIGIBILITY.—

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

30 943.0435(1)(h)1.a.(I), if:

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

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

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

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

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

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

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

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

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

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

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