

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 943.0595, F.S.; requiring a court to automatically
 4 seal certain criminal history records that meet
 5 specified criteria; requiring the clerk of the court
 6 to seal certain criminal history records; conforming
 7 provisions to changes made by the act; providing a
 8 statement of public necessity; providing an effective
 9 date.

10

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

12

13 Section 1. Subsections (2) and (3) of section 943.0595,
 14 Florida Statutes, are amended to read:

15 943.0595 Automatic sealing of criminal history records.—

16 (2) ELIGIBILITY.—

17 (a) Upon the disposition of a criminal case, the department
 18 and a court shall automatically seal a criminal history record
 19 in its possession that does not result from an indictment,
 20 information, or other charging document for a forcible felony as
 21 defined in s. 776.08 or for an offense enumerated in s.

22 943.0435(1)(h)1.a.(I), if:

23 1. An indictment, information, or other charging document
 24 was not filed or issued in the case giving rise to the criminal
 25 history record.

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

33 3. A not guilty verdict was rendered by a judge or jury.
 34 However, a person is not eligible for automatic sealing under
 35 this section if the defendant was found not guilty by reason of
 36 insanity.

37 4. A judgment of acquittal was rendered by a judge.

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

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

42 (a) Upon the disposition of a criminal case resulting in a
 43 criminal history record eligible for automatic sealing under
 44 paragraph (2)(a), the clerk of the court shall:

45 1. Seal the criminal history record in its possession;
 46 and

47 2. Transmit a certified copy of the disposition of the
 48 criminal history record to the department, which shall seal the
 49 criminal history record in its possession upon receipt of the
 50 certified copy.

51 (b) Automatic sealing of a criminal history record does
 52 not require sealing by ~~the court or~~ other criminal justice
 53 agencies, or that such record be surrendered to the court, and
 54 such record shall continue to be maintained by the department
 55 and other criminal justice agencies.

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

60 Section 2. The Legislature finds that it is a public
 61 necessity that the eligible criminal history records that have
 62 been automatically sealed by the Florida Department of Law
 63 Enforcement and a court pursuant to s. 943.0595, Florida
 64 Statutes, because an indictment, information, or other charging
 65 document was not filed or issued, was dismissed or nolle
 66 prosequi, or resulted in a judgment of acquittal or verdict of
 67 not guilty be made confidential and exempt from s. 119.07(1),
 68 Florida Statutes, and s. 24(a), Article I of the State
 69 Constitution. The presence of a criminal history record in a
 70 person's past that did not result in a criminal conviction can
 71 jeopardize his or her ability to obtain education, employment,
 72 and other opportunities necessary to becoming a productive,
 73 contributing, self-sustaining member of society. Such negative
 74 consequences are unwarranted in cases in which a person was not
 75 found to have committed the offense that is the subject of the

PCS for CS/HB 593

ORIGINAL

2023

76 automatically sealed criminal history record. For these reasons,
77 the Legislature finds that it is a public necessity that such
78 criminal history records that have been automatically sealed be
79 confidential and exempt from public record requirements.

80 Section 3. This act shall take effect July 1, 2023.