

CHAPTER 2023-189

Committee Substitute for Committee Substitute for Senate Bill No. 376

An act relating to automatic sealing of criminal history records and making confidential and exempt related court records; amending s. 943.0595, F.S.; requiring a clerk of the court to automatically keep confidential and exempt court records related to certain criminal history records that meet specified criteria; conforming provisions to changes made by the act; providing an effective date.

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

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

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

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

(2) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 5, 2023.

Filed in Office Secretary of State June 5, 2023.