

1 A bill to be entitled
 2 An act relating to automatic sealing of criminal
 3 history records; amending s. 943.0595, F.S.; providing
 4 a schedule for transmission of certified copies of the
 5 dispositions of the criminal history records to the
 6 Department of Law Enforcement for cases decided before
 7 a specified date; specifying that the transmission of
 8 the certified copy to the department shall seal the
 9 criminal history record upon receipt; providing for
 10 future repeal of provisions; providing an effective
 11 date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (a) of subsection (3) of section
 16 943.0595, Florida Statutes, is amended, and subsection (2) and
 17 paragraphs (b) and (c) of subsection (3) of that section are
 18 republished, to read:

19 943.0595 Automatic sealing of criminal history records.—

20 (2) ELIGIBILITY.—

21 (a) The department shall automatically seal a criminal
 22 history record that does not result from an indictment,
 23 information, or other charging document for a forcible felony as
 24 defined in s. 776.08 or for an offense enumerated in s.
 25 943.0435(1)(h)1.a.(I), if:

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

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

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

40 | 4. A judgment of acquittal was rendered by a judge.

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

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

45 | (a)1. Upon the disposition of a criminal case resulting in
46 | a criminal history record eligible for automatic sealing under
47 | paragraph (2) (a), the clerk of the court shall transmit a
48 | certified copy of the disposition of the criminal history record
49 | to the department, which shall seal the criminal history record
50 | upon receipt of the certified copy.

51 2.a. For criminal cases disposed prior to October 1, 2019,
52 the clerk of the court shall transmit a certified copy of the
53 disposition of the criminal history record to the department, on
54 the following schedule:

55 (I) Criminal cases disposed between January 1, 2015, to
56 September 30, 2019, must be submitted by October 1, 2021.

57 (II) Criminal cases disposed between January 1, 2010, to
58 December 31, 2014, must be submitted by October 1, 2022.

59 (III) Criminal cases disposed between January 1, 2005, to
60 December 31, 2009, must be submitted by October 1, 2023.

61 (IV) Criminal cases disposed before December 31, 2004,
62 must be submitted by October 1, 2024.

63 b. The transmission of the certified copy to the
64 department shall seal the criminal history record upon receipt
65 of the certified copy. This subparagraph shall expire October 1,
66 2025.

67 (b) Automatic sealing of a criminal history record does
68 not require sealing by the court or other criminal justice
69 agencies, or that such record be surrendered to the court, and
70 such record shall continue to be maintained by the department
71 and other criminal justice agencies.

72 (c) Except as provided in this section, automatic sealing
73 of a criminal history record shall have the same effect, and the
74 department may disclose such a record in the same manner, as a
75 record sealed under s. 943.059.

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76 | Section 2. This act shall take effect upon becoming a law. |