

1 A bill to be entitled
 2 An act relating to automatic sealing of criminal
 3 history records; amending s. 943.0595, F.S.; requiring
 4 the court to automatically seal certain criminal
 5 history records; specifying the effect of automatic
 6 sealing of a criminal history record by a court;
 7 providing an effective date.

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

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

13 943.0595 Automatic sealing of criminal history records.—

14 (2) ELIGIBILITY.—

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

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

23 2. An indictment, information, or other charging document
 24 was filed in the case giving rise to the criminal history
 25 record, but was dismissed or nolle prosequi by the state

26 attorney or statewide prosecutor or was dismissed by a court of
27 competent jurisdiction. However, a person is not eligible for
28 automatic sealing under this section if the dismissal was
29 pursuant to s. 916.145 or s. 985.19.

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

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

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

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

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

46 (b) Automatic sealing of a criminal history record does
47 not require sealing by ~~the court or other~~ criminal justice
48 agencies, or that such record be surrendered to the court, and
49 such record shall continue to be maintained by the department
50 and other criminal justice agencies.

CS/CS/HB 1259

2022

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

55 Section 2. This act shall take effect July 1, 2022.