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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
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The Committee on Criminal Justice (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

943.0595 Automatic sealing of criminal history records and  
making confidential the related court records.—

(2) ELIGIBILITY.—

(a) The department shall automatically seal a criminal



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11 history record that does not result from an indictment,  
12 information, or other charging document for a forcible felony as  
13 defined in s. 776.08 or for an offense enumerated in s.

14 943.0435(1)(h)1.a.(I), if:

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

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

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

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

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

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

35 (a) Upon the disposition of a criminal case resulting in a  
36 criminal history record eligible for automatic sealing under  
37 paragraph (2)(a), the clerk of the court shall transmit a  
38 certified copy of the disposition of the criminal history record  
39 to the department, which shall seal the criminal history record



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40 upon receipt of the certified copy.

41 (b) The department shall notify the clerk of court upon the  
42 sealing of the criminal history record as provided in paragraph  
43 (a). Upon such notification the clerk of court must  
44 automatically keep confidential the court record in the case  
45 giving rise to the department's sealing of the criminal history  
46 record

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

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

58  
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete everything before the enacting clause  
62 and insert:

63 A bill to be entitled  
64 An act relating to automatic sealing of criminal  
65 history records and making confidential related court  
66 records; amending s. 943.0595, F.S.; requiring a clerk  
67 of court to automatically keep confidential court  
68 records related to certain criminal history records



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that meet specified criteria; conforming provisions to  
changes made by the act; providing an effective date.