

By Senator Martin

33-01728A-25

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1                   A bill to be entitled  
2       An act relating to automatic sealing of criminal  
3       history records; amending s. 943.0595, F.S.;  
4       eliminating certain circumstances in which criminal  
5       history records are automatically sealed; providing  
6       that specified provisions do not limit a prosecutor  
7       from accessing automatically sealed criminal history  
8       records for certain purposes; providing an effective  
9       date.

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

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13       Section 1. Paragraph (a) of subsection (2) of section  
14       943.0595, Florida Statutes, is amended, and paragraph (e) is  
15       added to subsection (3) of that section, to read:

16       943.0595 Automatic sealing of criminal history records;  
17       confidentiality of related court records.-

18       (2) ELIGIBILITY.-

19       (a) The department shall automatically seal a criminal  
20       history record that does not result from an indictment,  
21       information, or other charging document for a forcible felony as  
22       defined in s. 776.08 or for an offense enumerated in s.

23       943.0435(1)(h)1.a.(I), if:

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

27       2. ~~An indictment, information, or other charging document~~  
28       ~~was filed in the case giving rise to the criminal history~~  
29       ~~record, but was dismissed or nolle prosequi by the state~~

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30 ~~attorney or statewide prosecutor or was dismissed by a court of~~  
31 ~~competent jurisdiction as to all counts. However, a person is~~  
32 ~~not eligible for automatic sealing under this section if the~~  
33 ~~dismissal was pursuant to s. 916.145 or s. 985.19.~~

34 1.3. A not guilty verdict was rendered by a judge or jury  
35 as to all counts. However, a person is not eligible for  
36 automatic sealing under this section if the defendant was found  
37 not guilty by reason of insanity.

38 2.4. A judgment of acquittal was rendered by a judge as to  
39 all counts.

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

41 (e) This section does not limit a prosecutor from accessing  
42 a criminal history record sealed pursuant to this section to  
43 determine an appropriate plea offer, to access evidence that can  
44 be used in a prosecution, or to determine eligibility for  
45 diversion.

46 Section 2. This act shall take effect July 1, 2025.