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Reply to Tallahassee

March 7, 2024

James D. Martin  
General Counsel  
Florida Department of Law Enforcement  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
[JamesMartin@fdle.state.fl.us](mailto:JamesMartin@fdle.state.fl.us)

Re: Notice of Sealing Criminal History Records  
Section 943.0595, Florida Statutes

Dear Mr. Martin:

Thank you again for meeting with us last week. Last Friday we were notified that FDLE will continue submitting daily files as it has been doing “as agreed upon by the work group during requirements gathering and implementation for this initiative.” However, as discussed during our meeting, the Florida Courts E-Filing Authority (“Authority”) has not yet authorized the programmatic changes necessary for FDLE to begin sending data through the Florida Courts E-Filing Portal (“Portal”) to generate the notice required by subsection 943.0595(3)(b), Florida Statutes. As with any programmatic changes, successful testing must be completed prior to any changes being implemented in a live environment.

Testing of the initial files sent from FDLE identified several cases that the clerk is not authorized to make confidential and exempt. In many instances, those test files contained data from files for which case dispositions were provided to FDLE prior to July 1, 2023. Further, in some instances, the data provided was from cases that would not meet the criteria for sealing under subsection 943.0595(2)(a), Florida Statutes. In addition, some of the files attempted to provide a notice that FDLE had, at some point in time, unsealed a criminal history record, even though subsection 943.0595(3), Florida Statutes, and Rule 2.420(d)(1)(B)(xxiv), Florida Rules of General Practice and Judicial Administration, do not authorize clerks to change the confidentiality of court files in the event FDLE unseals a criminal history record.

At this time, we are requesting that FDLE send data files in which:

James D. Martin  
General Counsel  
March 7, 2024  
Page 2

1. the data is only from those cases for which a clerk has sent a notice pursuant to subsection 943.0595(3)(a), Florida Statutes, with case dispositions entered in the court file on or after July 1, 2023;
2. the data is only from those cases which meet the test for sealing a criminal history record pursuant to subsection 943.0595(2)(a), Florida Statutes; and,
3. the data is not from any cases where you believe the criminal history record should be unsealed.

Once these corrections are made, we will once again accept a test batch of data from FDLE to determine the accuracy of the data. Upon completion of successful testing, we will seek Authority approval for live implementation of the programmatic changes to the Portal.

Sincerely,



Lynn M. Hoshihara  
General Counsel  
Florida Courts E-Filing Authority

cc: The Honorable Karen Rushing, Chair of Florida Courts E-Filing Authority  
The Honorable Gary Cooney, Chair of Court Operations  
The Honorable Doug Chorvat, Chair of Civitec Committee