

By Senator Braynon

36-01714-15

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0595, F.S.; providing an exemption from public
4 records requirements for criminal history records that
5 are automatically expunged upon restoration of a
6 person's civil rights; providing an exception;
7 providing for future legislative review and repeal of
8 the exemption under the Open Government Sunset Review
9 Act; providing a statement of public necessity;
10 providing a contingent effective date.

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

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14 Section 1. Subsection (6) is added to section 943.0595,
15 Florida Statutes, to read:

16 943.0595 Automatic expunction of criminal history record on
17 restoration of civil rights; exceptions.—

18 (6) PUBLIC RECORDS.—

19 (a) A criminal history record expunged under this section
20 that is retained by the department is confidential and exempt
21 from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution, except that the record shall be made available to
23 criminal justice agencies for their respective criminal justice
24 purposes. Otherwise, such record shall not be disclosed to any
25 person or entity, except upon order of a court of competent
26 jurisdiction. A criminal justice agency may retain a notation
27 indicating compliance with an expunction.

28 (b) This subsection is subject to the Open Government
29 Sunset Review Act in accordance with s. 119.15 and shall stand

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30 repealed on October 2, 2020, unless reviewed and saved from
31 repeal through reenactment by the Legislature.

32 Section 2. The Legislature finds that it is a public
33 necessity that a criminal history record expunged under s.
34 943.0595, Florida Statutes, that is retained by the Department
35 of Law Enforcement be made confidential and exempt from s.
36 119.07(1), Florida Statutes, and s. 24(a), Article I of the
37 State Constitution. Persons whose civil rights have been
38 restored and whose criminal history records have been expunged
39 could face barriers to employment and other opportunities if
40 their criminal history records remain on record and accessible
41 to potential employers and other persons. Therefore, it is
42 necessary to make these records confidential in order for
43 persons whose civil rights have been restored to have the
44 opportunity to rebuild their lives and fully reenter society.

45 Section 3. This act shall take effect on the same date that
46 SB ____ or similar legislation takes effect, if such legislation
47 is adopted in the same legislative session or an extension
48 thereof and becomes law.