



576030

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2017	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) is added to section 901.40,
Florida Statutes, as created by SB 448, 2017 Regular Session, to
read:

901.40 Prearrest diversion programs.—

(6) PUBLIC RECORDS EXEMPTION.—The personal identifying
information of an adult who participates in a prearrest



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11 diversion program, as encouraged by this section, is exempt from
12 s. 119.07(1), and s. 24(a), Art. I of the State Constitution.
13 This subsection is subject to the Open Government Sunset Review
14 Act in accordance with s. 119.15 and shall stand repealed on
15 October 2, 2022, unless reviewed and saved from such repeal
16 through reenactment by the Legislature.

17 Section 2. The Legislature finds that it is a public
18 necessity that the personal identifying information of an adult
19 who participates in a prearrest diversion program be exempt from
20 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
21 State Constitution. The goal of such programs is to give a
22 second chance to adults who commit misdemeanor offenses and
23 allow them the opportunity to avoid having an arrest record. If
24 the personal identifying information of such adults were not
25 exempt from disclosure, it would defeat the program's goal of
26 giving adults who commit misdemeanor offenses a means to avoid
27 the negative consequences of an arrest and prosecution. If such
28 information were able to be obtained by the public, the
29 disclosure might negatively impact the effectiveness of the
30 program. For these reasons, the Legislature finds that it is a
31 public necessity that the personal identifying information of an
32 adult who participates in a prearrest diversion program be
33 exempt from public records requirements.

34 Section 3. This act shall take effect on the same date
35 that SB 448 or similar legislation takes effect, if such
36 legislation is adopted in the same legislative session or an
37 extension thereof and becomes a law.

38
39 ===== T I T L E A M E N D M E N T =====



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40 And the title is amended as follows:

41 Delete everything before the enacting clause
42 and insert:

43 A bill to be entitled

44 An act relating to public records; amending s. 901.40,
45 F.S.; providing that the personal identifying
46 information of an adult who participates in a
47 prearrest diversion program is exempt from public
48 record requirements; providing for future review and
49 repeal of the exemption; providing a statement of
50 public necessity; providing a contingent effective
51 date.