

By the Committee on Criminal Justice; and Senator Brandes

591-02386-17

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1 A bill to be entitled
2 An act relating to public records; amending s. 901.40,
3 F.S.; providing that the personal identifying
4 information of an adult who participates in a
5 prearrest diversion program is exempt from public
6 record requirements; providing for future review and
7 repeal of the exemption; providing a statement of
8 public necessity; providing a contingent 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. Subsection (6) is added to section 901.40,
14 Florida Statutes, as created by SB 448, 2017 Regular Session, to
15 read:

16 901.40 Prearrest diversion programs.—

17 (6) PUBLIC RECORDS EXEMPTION.—The personal identifying
18 information of an adult who participates in a prearrest
19 diversion program, as encouraged by this section, is exempt from
20 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
21 This subsection is subject to the Open Government Sunset Review
22 Act in accordance with s. 119.15 and shall stand repealed on
23 October 2, 2022, unless reviewed and saved from such repeal
24 through reenactment by the Legislature.

25 Section 2. The Legislature finds that it is a public
26 necessity that the personal identifying information of an adult
27 who participates in a prearrest diversion program be exempt from
28 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
29 State Constitution. The goal of such programs is to give a

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30 second chance to adults who commit misdemeanor offenses and
31 allow them the opportunity to avoid having an arrest record. If
32 the personal identifying information of such adults were not
33 exempt from disclosure, it would defeat the program's goal of
34 giving adults who commit misdemeanor offenses a means to avoid
35 the negative consequences of an arrest and prosecution. If such
36 information were able to be obtained by the public, the
37 disclosure might negatively impact the effectiveness of the
38 program. For these reasons, the Legislature finds that it is a
39 public necessity that the personal identifying information of an
40 adult who participates in a prearrest diversion program be
41 exempt from public records requirements.

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