



103962

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2020	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (d) are added to subsection
(8) of section 943.0587, Florida Statutes, as created by SB 1504
Regular Session, to read:

943.0587 Driving while license suspended, revoked,
canceled, or disqualified expunction.—

(8) EFFECT OF EXPUNCTION ORDER.—



103962

11 (c) Any criminal history record of a person which is
12 ordered expunged by a court of competent jurisdiction pursuant
13 to this section must be physically destroyed or obliterated by
14 any criminal justice agency having custody of such record,
15 except that any criminal history record in the custody of the
16 department must be retained in all cases. A criminal history
17 record ordered expunged which is retained by the department is
18 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
19 of the State Constitution and not available to any person or
20 entity except upon order of a court of competent jurisdiction. A
21 criminal justice agency may retain a notation indicating
22 compliance with an order to expunge. This paragraph is subject
23 to the Open Government Sunset Review Act in accordance with s.
24 119.15 and shall stand repealed on October 2, 2025, unless
25 reviewed and saved from such repeal through reenactment by the
26 Legislature.

27 (d) Information relating to the existence of an expunged
28 criminal history record which is provided in accordance with
29 paragraph (c) is confidential and exempt from s. 119.07(1) and
30 s. 24(a), Art. I of the State Constitution, except that the
31 department shall disclose the existence of a criminal history
32 record ordered expunged to the entities set forth in
33 subparagraph (a)1. for their respective licensing, access
34 authorization, and employment purposes and to criminal justice
35 agencies for their respective criminal justice purposes. It is
36 unlawful for any employee of an entity set forth in
37 subparagraphs (a)1. and 4.-8. to disclose information relating
38 to the existence of an expunged criminal history record of a
39 person seeking employment, access authorization, or licensure



103962

40 with such entity or contractor, except to the person to whom the
41 criminal history record relates or to persons having direct
42 responsibility for employment, access authorization, or
43 licensure decisions. This paragraph is subject to the Open
44 Government Sunset Review Act in accordance with s. 119.15 and
45 shall stand repealed on October 2, 2025, unless reviewed and
46 saved from such repeal through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public
48 necessity that the expunged criminal history record of a person
49 who has been convicted of a felony offense of driving while
50 license suspended, revoked, canceled, or disqualified which is
51 no longer classified as a felony be made confidential and exempt
52 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
53 the State Constitution. The Legislature further finds that any
54 information relating to the existence of an expunged criminal
55 history record resulting from a felony offense of driving while
56 license suspended, revoked, canceled, or disqualified which is
57 no longer classified as a felony be made confidential and exempt
58 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
59 the State Constitution. The presence of a criminal history
60 record in a person's past can jeopardize his or her ability to
61 obtain education, employment, and other opportunities. The
62 presence of such a criminal history record in these individuals'
63 past creates an unnecessary barrier to becoming productive,
64 contributing, self-sustaining members of society and can
65 jeopardize individuals' ability to achieve a safe livelihood.
66 The Legislature therefore finds that it is in the best interest
67 of the public that such individuals are given the opportunity to
68 become contributing members of society.



103962

69 Section 3. This act shall take effect on the same date as
70 SB 1504 or similar legislation takes effect, if such legislation
71 is adopted in the same legislative session or an extension
72 thereof and becomes a law.

73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete everything before the enacting clause
76 and insert:

77 A bill to be entitled

78 An act relating to public records; amending s.
79 943.0587, F.S.; providing a public records exemption
80 to include the expunction of specified convictions of
81 certain persons convicted of driving while license
82 suspended, revoked, canceled, or disqualified;
83 providing for legislative review and repeal of the
84 exemption; providing a statement of public necessity;
85 providing a contingent effective date.