

By the Committee on Criminal Justice; and Senators Brandes and Bracy

591-03079-20

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       943.0587, F.S.; providing a public records exemption  
4       to include the expunction of specified convictions of  
5       certain persons convicted of driving while license  
6       suspended, revoked, canceled, or disqualified;  
7       providing for legislative review and repeal of the  
8       exemption; providing a statement of public necessity;  
9       providing a contingent effective date.

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

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13       Section 1. Paragraphs (c) and (d) are added to subsection  
14       (8) of section 943.0587, Florida Statutes, as created by SB  
15       1504, 2020 Regular Session, to read:

16       943.0587 Driving while license suspended, revoked,  
17       canceled, or disqualified expunction.—

18       (8) EFFECT OF EXPUNCTION ORDER.—

19       (c) Any criminal history record of a person which is  
20 ordered expunged by a court of competent jurisdiction pursuant  
21 to this section must be physically destroyed or obliterated by  
22 any criminal justice agency having custody of such record,  
23 except that any criminal history record in the custody of the  
24 department must be retained in all cases. A criminal history  
25 record ordered expunged which is retained by the department is  
26 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
27 of the State Constitution and not available to any person or  
28 entity except upon order of a court of competent jurisdiction. A  
29 criminal justice agency may retain a notation indicating

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30 compliance with an order to expunge. This paragraph is subject  
31 to the Open Government Sunset Review Act in accordance with s.  
32 119.15 and shall stand repealed on October 2, 2025, unless  
33 reviewed and saved from such repeal through reenactment by the  
34 Legislature.

35 (d) Information relating to the existence of an expunged  
36 criminal history record which is provided in accordance with  
37 paragraph (c) is confidential and exempt from s. 119.07(1) and  
38 s. 24(a), Art. I of the State Constitution, except that the  
39 department shall disclose the existence of a criminal history  
40 record ordered expunged to the entities set forth in  
41 subparagraph (a)1. for their respective licensing, access  
42 authorization, and employment purposes and to criminal justice  
43 agencies for their respective criminal justice purposes. It is  
44 unlawful for any employee of an entity set forth in  
45 subparagraphs (a)1. and 4.-8. to disclose information relating  
46 to the existence of an expunged criminal history record of a  
47 person seeking employment, access authorization, or licensure  
48 with such entity or contractor, except to the person to whom the  
49 criminal history record relates or to persons having direct  
50 responsibility for employment, access authorization, or  
51 licensure decisions. This paragraph is subject to the Open  
52 Government Sunset Review Act in accordance with s. 119.15 and  
53 shall stand repealed on October 2, 2025, unless reviewed and  
54 saved from such repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public  
56 necessity that the expunged criminal history record of a person  
57 who has been convicted of a felony offense of driving while  
58 license suspended, revoked, canceled, or disqualified which is

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59 no longer classified as a felony be made confidential and exempt  
60 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
61 the State Constitution. The Legislature further finds that any  
62 information relating to the existence of an expunged criminal  
63 history record resulting from a felony offense of driving while  
64 license suspended, revoked, canceled, or disqualified which is  
65 no longer classified as a felony be made confidential and exempt  
66 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
67 the State Constitution. The presence of a criminal history  
68 record in a person's past can jeopardize his or her ability to  
69 obtain education, employment, and other opportunities. The  
70 presence of such a criminal history record in these individuals'  
71 past creates an unnecessary barrier to becoming productive,  
72 contributing, self-sustaining members of society and can  
73 jeopardize individuals' ability to achieve a safe livelihood.  
74 The Legislature therefore finds that it is in the best interest  
75 of the public that such individuals are given the opportunity to  
76 become contributing members of society.

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